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Political Science Quarterly

Edited for the
Academy of Political Science
by the Faculty of Political Science
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The Good of the Child Versus the Rights of the Parent: The Supreme Court Upholds the Welfare Home-Visit
NANETTE DEMBITZ

Politics and Protest: Hegel and Social Criticism
NICOLAS HAINES

To Live—and Die—in Dixie: A Contribution to the Study of Southern Violence
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Foreign Affairs: A Winning Issue in the Campaign for Ratification of the United States Constitution
FREDERICK W. MARKS III

Reviews

In Memoriam: Richard Hofstadter, Robert Staughton Lynd, Robert Morrison MacIver, Allan Nevins, Lindsay Rogers

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Edited by the Faculty of Political Science of Columbia University, the POLITICAL SCIENCE QUARTERLY is published by The Academy of Political Science in March, June, September, and December.

Single issue, $2.50.

Printed by Capital City Press, Montpelier, Vermont 05602.
Second-class postage paid at New York, New York, and additional mailing offices.

Members are urged to notify the Academy of any change in address.

THE ACADEMY OF POLITICAL SCIENCE | COLUMBIA UNIVERSITY
420 WEST 118TH STREET | SUITE 1108 | NEW YORK, NEW YORK 10027

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Library of Congress Catalog Card Number: 7-36315.

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Contributors to the September Issue

NANETTE DEMBITZ is a judge of the Family Court of New York State, sitting in New York City. Prior to her judicial appointment in 1967, Judge Dembitz participated in numerous cases in the federal and state courts involving civil liberties and other aspects of constitutional law, and she has frequently contributed to legal periodicals articles on constitutional and family law.

NICOLAS HAINES, formerly reader in philosophy at the University of Surrey, is now engaged in developing the new Centre for Continuing Education in Canberra, Australia. *Continuing Education and Responsible Society* (1971) is his most recent publication,

JOHN SHELTON REED is an assistant professor of sociology at the University of North Carolina at Chapel Hill. He is the author of *The Enduring South* to be published in the spring of 1972.

FREDERICK W. MARKS III is assistant professor of American history at Purdue University.

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Political Science Quarterly

Volume LXXXVI Number 3 September 1971

ARTICLES

The Good of the Child Versus the Rights of the Parent: The Supreme Court Upholds the Welfare Home-Visit — NANETTE DEMBITZ 389

Politics and Protest: Hegel and Social Criticism — NICOLAS HAINES 406

To Live—and Die—in Dixie: A Contribution to the Study of Southern Violence — JOHN SHELTON REED 429

Foreign Affairs: A Winning Issue in the Campaign for Ratification of the United States Constitution — FREDERICK W. MARKS III 444

BOOK REVIEWS

Schick, Learned Hand's Court — HENRY J. FRIENDLY 470

Horn, Unused Power — WILLIAM PROXMIRE 477

Bayley and Mendelsohn, Minorities and the Police — JAMES Q. WILSON 479

Jordan, White over Black — JACK P. GREENE 481

Banner, To the Hartford Convention — NORMAN K. RISJORD 484

Kraditor, Means and Ends in American Abolitionism — LOUIS FILLER 485

Quarles, Black Abolitionists — LEWIS PERRY 487

Trefousse, The Radical Republicans; *Belz*, Reconstructing the Union; *Kutler*, Judicial Power and Reconstruction Politics — DON E. FEHRENBACHER 488

Urofsky, Big Steel and the Wilson Administration — DAVID BRODY 490

Nixon (ed.), Franklin D. Roosevelt and Foreign Affairs: January 1933-January 1937 — ROBERT A. DIVINE 492

Wyman, Paper Walls — RAUL HILBERG 494

Dalfiume, Desegregation of the U.S. Armed Forces — LEWIS M. KILLIAN 495

Halberstam, The Unfinished Odyssey of Robert Kennedy — WILLIAM C. SPRAGENS 496

Lodge, Engines of Change; *Wirth*, The Politics of Brazilian Development: 1930-1954 — RONALD M. SCHNEIDER 498

Potash, The Army and Politics in Argentina, 1928-1945 — PETER H. SMITH 500

Hale, Mexican Liberalism in the Age of Mora, 1821-1853 — STANLEY J. STEIN 502

Oxaal, Black Intellectuals Come to Power; *Mau*, Social Change and Images of the Future — SIDNEY M. GREENFIELD 504

Carlston, Social Theory and African Tribal Organization — JACK GOODY 507

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Safran, From War to War — JACOB M. LANDAU — 508
Landau, The Arabs in Israel — O. M. SMOLANSKY — 509
Hardgrave, The Nadars of Tamilnad — LUCIAN W. PYE — 511
Kubota, Higher Civil Servants in Postwar Japan — JOHN M. MAKI — 512
Avrich, Kronstadt 1921 — STANLEY W. PAGE — 514
Rigby, Communist Party Membership in the U.S.S.R., 1917-1967 — ROBERT A. FELDMESSER — 515
de Luna, The French Republic under Cavaignac, 1848 — PRISCILLA ROBERTSON — 516
Dunn, The Political Thought of John Locke — CAROLINE ROBBINS — 518
Kelley, The Transatlantic Persuasion — MORTON KELLER — 519
Hamer, John Morley — BARRY MCGILL — 521
Beloff, Imperial Sunset — STEPHEN E. KOSS — 522
Middlemas and Barnes, Baldwin — THOMAS P. PEARDON — 523
Naylor, Labour's International Policy — HENRY PELLING — 525
Calder, The People's War; *Macmillan*, Tides of Fortune: 1945-1955; *Rose (ed.)*, Policy-Making in Britain — IRA KATZNELSON — 526
Brewis, Regional Economic Policies in Canada — HUGH G. J. AITKEN — 528
Maizels, Exports and Economic Growth of Developing Countries — HOLLIS B. CHENERY — 531
Pryor, Public Expenditures in Communist and Capitalist Nations — GREGORY GROSSMAN — 532
Woolf (ed.), European Fascism — EUGEN WEBER — 534
Fontaine, History of the Cold War — RENÉ ALBRECHT-CARRIÉ — 535
Young, The Politics of Force — HANS SPEIER — 537
Vickers, Value Systems and Social Process — KENNETH BOULDING — 538
Lanham, Origins of Modern Biology — L. C. DUNN — 539
Thayer, Meaning and Action — JAMES WARD SMITH — 540
Walsh, The Urban Challenge to Government — JOEL L. FLEISHMAN — 541
Harvey, The Civil Service Commission; *Kohlmeier*, The Regulators — MARVER A. BERNSTEIN — 543
Hurst, The Legitimacy of the Business Corporation in the Law of the United States, 1780-1970 — FRANK J. MACCHIAROLA — 545
Dewey, The Theory of Imperfect Competition — ALBERT M. LEVENSON — 547
Verbit, Trade Agreements for Developing Countries — DORIS A. GRABER — 548
Myrdal, The Challenge of World Poverty — C. E. AYRES — 549

BOOK NOTES

Sundquist, Making Federalism Work — ARTHUR W. MACMAHON — 551
Schwabe, Wissenschaft und Kriegsmoral — C.M. KIMMICH — 552
Silvert (ed.), The Social Reality of Scientific Myth — BERNARD BARBER — 552

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The Good of the Child Versus the Rights of the Parent: The Supreme Court Upholds the Welfare Home-Visit

NANETTE DEMBITZ
New York City

It is the children of welfare mothers who are the most forgotten of those of God's children crowded into a metropolis like New York City, with the mothers themselves second in the line of those with the drabbest and most despairing lives. Since the United States Supreme Court two years ago entered into the new juridical area of the rights of indigents supported by public assistance, welfare, the major focus of its decisions has been the validity under the Constitution or federal regulations of the conditions imposed by the states on payments to welfare mothers—the accepted colloquialism for indigent mothers in fatherless homes receiving governmental support payments for themselves and their children. The concern of the states with this program of shared federal and state expenditure, known as Aid to Families of Dependent Children (AFDC),[1] may be attributed to the large increase in the number of welfare mothers and their children over the past decade; they now constitute two-thirds of the total number of public assistance recipients, not only in cities like New

[1] See Social Security Act of 1935, subch. IV, Part A, 49 Stat. 620, as amended, 42 U.S.C. 601-607. To receive federal funds to cover a proportion of the cost of assistance to such one-parent homes, the state programs must comply with standards specified by the U.S. Dept. of Health, Education, and Welfare.

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York, but nationally.[2]

Prior to its recent decision upholding New York State's requirement that the welfare mother permit a home-visit by a welfare worker,[3] the Court had validated a state limitation on the distribution of welfare funds in only one of its seven welfare cases.[4] In the home-visit case as in the prior cases, the state threatened to cut off support for the household—the children as well as the mother—if she refused to comply with the state regulation. But for the first time the regulation challenged by the mother squarely presented an issue of contradiction between the rights of the child and the rights of the mother. For, while the welfare worker's periodic visit is in part to check on the mother's financial resources, its purposes also are to see whether the child is receiving adequate care, to aid in securing it (for example, by suggesting medical or nursery school referrals), and, in infrequent cases, to initiate court proceedings for child neglect or abuse.

A welfare mother in New York City, Mrs. James, received a routine letter from her welfare worker, requesting an appointment to visit her the following week. Mrs. James replied that she was willing to see the worker in the welfare office only. Her attorney

[2] See U.S. Congress, Senate Committee on Finance, Report, *Material Related to Administration Revision of H.R. 16311*, 91st Cong., 2d Sess., July 1970, p. 2. The number of children receiving AFDC rose from 30 to 60 per 1000 from 1955 to 1970 and in absolute figures tripled from 1960 to 1970. U.S. Congress, House Committee on Ways and Means, *Report No. 91-904 on H.R. 16311, Family Assistance Act of 1970*, 91st Cong., 2d Sess., June 1970, p. 17.

[3] *Wyman* v *James*, 400 U.S. 309, 27 L.Ed. 408 (decided Jan. 12, 1971); Court's opinion by Blackmun, J.; dissent by Douglas, J.; dissent by Marshall, J., joined by Brennan, J.

[4] In *Dandridge* v *Williams*, 397 U.S. 471 (1970) Maryland's maximum grant provision was upheld. The decisions invalidating state conditions were: *King* v *Smith*, 392 U.S. 309 (1968); *Shapiro* v *Thompson*, 394 U.S. 618 (1969) (the sole invalidation on constitutional rather than federal statutory grounds); *Shapiro* v *Solman*, 396 U.S. 5 (1969) affmg per curiam 300 F.Supp. 409 (D. Conn., 1969); *Goldberg* v *Kelly*, 397 U.S. 254 (1970); *Rosado* v *Wyman*, 397 U.S. 397 (1970); *Lewis* v *Martin*, 397 U.S. 552 (1970). *Doe* v *Shapiro*, 302 F.Supp. 761 (D. Conn., 1969), app. dism. 396 U.S. 488 (1970), also invalidated a state condition on AFDC grants. The establishment of free legal services for the poor in the 1960s by the federal Office of Economic Opportunity supplied the wherewithal for much of the welfare rights litigation. See Henry A. Freedman's column in *Clearinghouse Review*, V, 2 (1971), 64. *James*, for example, was brought by attorneys from two federally funded legal services.

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argued that the guarantee against unreasonable searches of the Fourth Amendment to the United States Constitution protected the privacy of her home against the welfare worker, unless a judicial search warrant was first obtained on the basis of evidence presented to a judge. The lower court upheld this constitutional claim, invalidated New York's home-visit regulation (which had its counterpart in a number of other states), and directed that Mrs. James's welfare payments continue in spite of her refusal to permit the visit. This was the posture of the welfare home-visit case when it reached the United States Supreme Court for review.

Relation of the Welfare Home-Visit to Family Court Problems

As a judge of the New York State Family Court, I am concerned with the child welfare, rather than the fiscal, aspect of the home-visit. The Court's jurisdiction includes civil proceedings against parents for neglect or abuse of children. "Neglect" is the parent's failure to provide "a minimum degree of care" with respect to the child's physical needs, education, or supervision; and "abuse" is the parent's intentional and serious physical injury of the child.[5] While no statistics have been compiled, the majority of neglect findings seems to be in AFDC cases (although only a very small per cent of the total AFDC load engenders neglect proceedings).

Some child neglect or abuse cases have been brought to the Family Court as the result of the discovery during welfare home-visits of various difficulties: for example, the mother's invalidism, alcoholism, or heroin addiction; abnormal and unsafe housekeeping, such as never removing garbage or burning rags in dishes around the apartment; sharing the home with a psychotic and assaultive male or with homosexuals of the child's sex; permitting heroin sellers and addicts to gather in the home; or even, in an extreme and singular case described in the state's brief in the *James* case, the deaths of two children, apparently through mal-

[5] Family Court Act, sec. 1012(e)(f) (McKinney's Cons. Laws of New York, Book 29A, Part 1). There is similar judicial jurisdiction in every state, usually in a "Juvenile Court" or in the "Juvenile Term" of a court of more general jurisdiction.

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nutrition and battering.[6] With some frequency, however, neglect in an AFDC home is brought before the court only through a fortuity rather than by the welfare worker—a fortuity such as a hospital social worker's initiating a home investigation after a child is hospitalized. For example, one mother of a two-and-a-half year-old child who came before the court in that fashion had been a heroin addict since her child's birth and had been jailed several times on narcotics and prostitution charges. Though he had been receiving AFDC since birth, even the physical whereabouts of the child, whose development was markedly retarded despite normal faculties, during much of his life never could be reconstructed.[7] And in reviewing the backgrounds of juvenile delinquents from AFDC homes, unreported neglect during early years often appears to be an important cause of delinquency. Thus, a Family Court judge may hope from a child welfare standpoint for more, rather than fewer, welfare home-visits.

Equal Need for Visits to Non-Welfare Homes?

A spokesman for child care and an equalitarian must surely ask the question suggested in Justice Marshall's dissent in *James:* is there any more reason to visit the homes of welfare mothers than those of any other class of parents, for the purposes of social-work guidance and of instituting a neglect proceeding if serious deficiencies in home care are not remedied? We are referring here to flagrant dangers, not to subtle psychological deprivations; children of welfare mothers seem more likely to suffer from neglect, in this sense, than others—"not necessarily for want of love," as Assistant Attorney General Brenda Soloff argued in *James,*[8] but because an accumulation of adversities takes its toll on the most helpless members of the household.

In the welfare mother's home, the hard life of the slums with its high incidence of crime and heroin addiction is coupled with

[6] See Appellant's Reply Brief in No. 69, U.S. Sup. Ct., Oct. Term 1970, pp. 4-5 (referring to the *New York Times* and the New York City Department of Social Services case-file).

[7] See *Matter of Efrain C,* 63 Misc. 2d 1019, 1021-1022 (N.Y. Fam. Ct., N.Y. County, 1970) (cited in Appellant's Reply Brief, 5).

[8] Appellant's Brief in No. 69, U.S. Sup. Ct., Oct. Term 1970, p. 22.

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an absent and unsupporting father, a maintenance income, and the apathy, alienation, and hopelessness arising from dependency.[9] It is unlikely that these actualities can be appreciably counteracted by the reform of eliminating stigmatic badges for public assistance recipients—as has been attempted in New York City—or by any probable increase in welfare allowances.[10] While improvements in police, schools, and other public services are desperately needed in poor neighborhoods and while fundamental economic reforms would obviate the problem of the welfare mother and her children, the state has an obligation in the here and now to find and help those children whose safety, health, and growth are acutely endangered.

The Supreme Court Opinions on the Welfare Home-Visit

Justice Blackmun's opinion for the majority—his first since his appointment—is vulnerable in its *dicta* to a number of dissenting Justice Marshall's criticisms.[11] The majority's view that the welfare mother is "not forced or compelled" to consent to the welfare worker's visit, though a refusal jeopardizes her receipt of welfare payments, seems inconsistent with precedents recognizing the coercion of a threat of economic deprivation; and the majority's other statements implying an absence of state power and coercion seem similarly questionable. But despite these *dicta*, Justice Blackmun assumes *arguendo* that state coercion *is* exerted to secure entry to the home. And he answers the Fourth Amendment

[9] Consider Edgar S. and Jean C. Cahn, "The War on Poverty," *Yale Law Journal*, LXXIII (1964), 1321-22.

[10] In New York City the welfare allowance for a family of four is currently about $330 a month, tax free, which is substantially more than a month's wages (after taxes) for a forty-hour week at the minimum wage, and more than the earnings of 10 per cent of full-time employees in New York City. See the testimony of the deputy under-secretary of the Dept. of Health, Education, and Welfare, U.S. Congress, Senate Committee on Finance, *Hearings on H.R. 16311*, Apr. 29-May 1, 1970, pt. 1, p. 177; "Report on Welfare Proposals," *Bulletin of the Association of the Bar of New York City*, IX (Aug. 1970), 49; *New York Times*, Aug. 25, 1970, p. 36.

[11] Justice Marshall's dissent is in most respects a more pointed analysis than Justice Douglas's and is therefore mentioned here as the main counterpoint to the majority.

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question of whether a welfare visit is permissible despite the mother's objection and without a warrant with the holding that the visit, in view of its purposes and the manner of its conduct (it is prescheduled for a weekday between 9 a.m. and 5 p.m. by a letter to the mother), "does not descend to the level of unreasonableness."

One ground for the majority's conclusion that the warrantless visit is reasonable, and a basic difference between the majority and the dissenters, lies in the majority's statement that in the AFDC program of public assistance "the focus is on the . . . child's needs." As Justice Blackmun noted, and as the dissenting judges completely ignored, AFDC was especially established for the care of children in "suitable" homes, with the mother or other adult guardian receiving her maintenance in effect as caretaker. The program was started in the 1930s—then on a small scale with the children of widows envisaged as the beneficiaries—on the premise that it would be a salutary substitute for the institutional care which had been prevalent for fatherless poor children.[12]

In upholding the state's power to require the mother to admit the welfare worker to her home, the *James* majority relied heavily on the government's interest in determining whether the mother was using her AFDC payments for their intended child-care purpose. As to the need for the home-visit, Justice Blackmun was unquestionably correct in rejecting the lower court's view that methods other than home-visits—investigations of records and interviews in the welfare office—would suffice to determine the whereabouts and welfare of children receiving AFDC, especially preschool children (consider the examples described above of detrimental home conditions disclosed in Family Court cases). We may add that, by the same token, it would be impossible in most cases without a visit to justify a search warrant by proof of probable cause to believe that the home was dangerous for the child.

[12] See Margaret K. Rosenheim, "Vagrancy Concepts in Welfare Law," *California Law Review*, LIV (1966), 553; St. John Barrett, "New Role of Courts in Developing Public Welfare Law," *Duke Law Journal* (1970), 17. Of the mothers now on AFDC, one-quarter, at most, are widows. House Committee on Ways and Means, *Report No. 91-904, on H.R. 16311*, p. 18.

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The Interest of the Child in the Welfare Worker's Visit

Dissenting Justice Marshall's contention that a warrant is constitutionally required for the home-visit is based in part on that very consequence of the home-visit which, from a child-welfare standpoint, is beneficial: that the welfare worker's observation of the home may cause him to initiate a neglect or abuse proceeding, which may result in a judicial determination that the child's welfare requires his removal from the home. While an entry that may lead to a civil penalty may, as Justice Marshall states, require a warrant, from the *child's* standpoint his removal from a destroying home is not a "civil forfeiture," as Justice Marshall terms it, but a benefit.

The novel element in this search, disregarded by the Supreme Court dissenters as it was by the lower court, is that the child has an interest in the home-visit that is separate from his mother's. The possible opposition of interests and rights between parent and child, which was appreciated by the *James* majority, is a commonplace in domestic relations and juvenile law—illustrated by paternity and child-support as well as parental neglect and abuse proceedings, all brought *against* the parent for the child's welfare.[13] Nor is it novel doctrine that parenthood affects legal status; parental responsibility is a recognized basis for limiting constitutional rights and freedom of action.[14] Until the *James* decision

[13] When the child's rather than the parent's conduct is at issue, the separateness of their interests and rights is again recognized. For example, if a parent seeks a judicial remedy against an "ungovernable" runaway, truant, or narcotics-addicted child, separate counsel for the child is required under New York statutes and may well be required constitutionally. New York Family Court Act, secs. 732, 733(b), 241-249; see *Matter of Gault*, 387 U.S. 1, 27, 34-42 (1967); *Matter of James*, 22 N. Y. 2d at 545, 548-549 (1968).

[14] As to constitutional rights, see *Application of President and Directors of Georgetown College*, 331 F. 2d 1000 (C.A.D.C., 1964) reh. den. 331 F. 2d 1010, cert. den. 377 U.S. 978; *Winters* v *Miller*, 306 F. Supp. 1158, 1167 (E.D.N.Y., 1969); compare *Matter of Erickson* v *Dilgard*, 44 Misc. 2d 27 (N. Y. Sup. Ct., 1962); see David J. Sharpe and Robert F. Hargest III, "Lifesaving Treatment for Unwilling Patients," *Fordham Law Review*, XXXVI (1968), 697. As to the restriction of a parent's activities because of his duty of support, see *Curtis* v *Curtis*, 448 S.W. 2d 242, 245 (Civ. App. Tex., 1969); *Sullivan* v *Sullivan*, 55 Misc. 2d 691, 694 (N.Y. Fam. Ct., 1966); affd 29 A.D. 2d 739 (3rd Dept., 1966).

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this principle was ignored in relation to welfare mothers, partly, no doubt, because the welfare mother had spokesmen through the National Welfare Rights Organization, other groups, and attorneys, while her child was inarticulate and unrepresented.[15] Despite the stress on parental role in the term "welfare mother," the emphasis before *James* in lay and legal discussions, and by critics of the *James* majority, has been on the mother's rights as if she were a lone individual.[16]

Thus, the diminution of the mother's constitutional right to privacy because of her care of her child in her home—which is the effect of *James*—is consistent with principle as to the parent-child relationship. Indeed, once the separateness of the child's interest is recognized, the home-visit might well be upheld on a theory of the child's implicit consent to a visit which is in part to promote his welfare.[17]

Visits to Welfare Mothers Versus Visits to Taxpayers

Besides the well-being of the children, the welfare worker investigates during the home-visit whether the mother continues to need AFDC assistance or whether, for example, a supporting father has returned to the home. Because of this fiscal aspect, both the lower court majority, condemning the home-visit, and dissenting

[15] See statements on behalf of National Welfare Rights Organization, U.S. Congress, House Committee on Ways and Means, *Hearings on Social Security and Welfare Proposals*, 91st Cong., 1st Sess., Oct.-Nov. 1969, pp. 1015-17; see Rogin, as to the organization.

[16] For example, see the letter in the *New York Times*, Jan. 20, 1971, p. 34, criticizing *James* on the ground that it held "that the right not to have one's home entered and searched must be sacrificed as a condition for the receipt of welfare payments."

[17] As a joint occupant of the premises, the child should be deemed to have a right to consent to a search in the same fashion as he has a right to object thereto. See *Frazier* v *Cupp*, 394 U.S. 731, 740 (1969); *Mancusi* v *DeForte*, 392 U.S. 364, 368 (1968); *Chapman* v *United States*, 365 U.S. 610 (1961). Furthermore, the welfare mother's child can be considered the primary tenant since the rent allowance granted under AFDC is granted only because of the child's residence in the home. If the warrantless visit is permissible on the child's behalf for his welfare and protection, even the incidental possibility of a criminal prosecution (as well as a civil proceeding) against the mother for child maltreatment, does not seem to render the visit unconstitutional. Compare *Abel* v *United States*, 362 U.S. 217, 227 (1960).

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Justice Marshall suggested the similarity between a welfare worker's entry without a warrant to check on eligibility for AFDC payments for dependent children and a warrantless visit by an Internal Revenue Service agent to check on an income tax deduction for dependent children. This analogy, which has been emphasized by critics of the Supreme Court's ruling, does seem closer than Justice Blackmun's comparison between a home-visit as a condition of welfare and an IRS agent's disallowance of a deduction unless supporting proof is produced, since invasion of the home was the crux of Mrs. James's protest.

But Justice Marshall's undocumented assumption that an entry without a judicial search warrant of the taxpayer's home to check on dependents (by appointment and during working hours, as in the case of the welfare home-visit) would raise "cries of constitutional outrage," requires some analysis. Likewise questionable is dissenting Justice Douglas's suggestion (without documentation even as to the practices of the Department of Agriculture) that no warrantless entry to a farm would be countenanced to check on eligibility for "benefit payments for not growing crops." Considering the Court's unanimous belief in the validity of a warrantless inspection of licensed premises, expressed in *Colonnade Catering Corp.* v *United States,* it would seem that a claim to a specific governmental benefit, whether by way of tax deduction or direct payment, renders reasonable a mannered but warrantless entry into the relevant premises.[18]

Doubtless, the government is defrauded of more money by

[18] The statute at issue in *Colonnade,* 397 U.S. 72 (1970), imposed no sanction of imprisonment, but only a forfeiture of $500 for each refusal to permit official entry; refusal to permit the welfare visit likewise evoked only a money sanction. While criminal prosecution for welfare fraud is not the major purpose of the visit, such a prosecution is a possible result. See New York Social Services Law, sec. 145 (McKinney's Consol. Laws of N.Y., Book 52A); *People* v *La Face,* 148 Misc. 238, 266 N.Y. Supp. 458 (N.Y. Sup. Ct., Westch. Cnty, 1933). The state's suggestion that evidence of fraud gained in a welfare home-visit might be treated as inadmissible in a criminal prosecution (Appellant's Reply Brief, 6)—a question the Supreme Court leaves open—seems sound. Since entry into the home is gained by the coercive threat of loss of benefits, the situation differs from that where statements by a taxpayer in a voluntary interview are then used in a criminal prosecution. Compare *United States* v *Caiello,* 420 F. 2d 471 (C.A. 2, 1969), cert. den. 397 U.S. 1039.

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concealments and misrepresentations in regard to income taxes than in regard to welfare—and with less moral justification from the standpoint of the individual's need for his dishonest gain. But welfare home-visits do not become unconstitutional because the government fails to use the power, which we believe it has, to make similar visits to investigate income tax dependency deductions. If only because the loss in income tax on the basis of a $600 annual dependency deduction is much smaller than the usual AFDC benefit, the government's differing use of home-visits is no ground for a claim of a violation of the constitutional guarantee of equal protection.[19]

Entitlement to Welfare

Behind the welfare mother's assertion in *James* of the right to exclude the welfare worker from her home, was the burgeoning credo of "entitlement" to public assistance. Propelled in part by the writings a few years ago of Professor Charles Reich of the Yale University Law School (recently in the public eye as the author of *The Greening of America*),[20] the entitlement theory is that welfare should be distributed with no strings attached—no scrutiny and no advice or direction as to the recipient's way of life—the ultimate end being the government's impersonal and mechanical disbursement of support payments through a guaranteed annual income or negative income tax.[21] Thus, the National Committee of Black Churchmen, in their "Black Declaration of Independence" for the Fourth of July 1970, protested: "The United States has . . . sent into our ghettos a Swarm of Social Workers, Officers and Investigators to Harass Our People. . . ."[22] The welfare mother's attitude in the home-visit case impressed Justice

[19] See *Oyler* v *Boles*, 368 U.S. 448, 456 (1962); *Matter of Di Maggio* v *Brown*, 19 N.Y. 2d 283, 290-291 (1967); *People* v *Paine Drug Co.*, 22 A.D. 2d 156 (N.Y. App. Div., 4th Dept., 1964) affd 16 N.Y. 2d 503 (1965), cert den. 382 U.S. 838 (1965); Note, "Right to Non-Discriminatory Enforcement of State Penal Laws," *Columbia Law Review*, LXI (1961), 1103.

[20] See Charles A. Reich, "The New Property," *Yale Law Journal*, LXXIII (1964), 733; "Individual Rights and Social Welfare," *Yale Law Journal*, LXXIV (1965), 1245.

[21] See William A. Klein, "Some Basic Problems of Negative Income Taxation," *Wisconsin Law Review* (1966), 776.

[22] *New York Times*, July 3, 1970, p. 76.

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Blackmun as: "Mrs. James appears to want . . . the right . . . to avoid questions of any kind."

In support of the entitlement philosophy, Reich had emphasized that many people derived their incomes from businesses which are government subsidized because they are thought to contribute to the general economic and political welfare—say, pilots for a subsidized airline. Likewise "the poor," Reich says, "are affirmative contributors to today's society, for we are so organized as virtually to compel this sacrifice [of affluence] by a segment of the population."[23] To formulate Reich's thesis in terms of welfare mothers, then, they are an inevitable product of our present economic structure; since their mates usually have insufficient earnings to support them and their children and since support by the father is still a predominant feature of our culture, public support for fatherless homes is in effect a subsidy for low-wage employers and for male unemployment as well as for child-care. In his dissent in *James*, Justice Douglas cites Reich's subsidy-entitlement view of welfare, as had Justice Brennan in a prior welfare case.[24] On the other hand, Justice Blackmun seems to reach out to negate entitlement, in *dicta* (inappropriate, I suggest with deference) analogizing public assistance to private charity.

While the Court prior to *James* had invalidated various conditions attached to welfare by the states, the Court has never indicated that the indigent have a constitutional right to adequate or indeed to *any* public assistance.[25] Nor of course has any government-subsidized or -supported industry or employee been able to assert a right to the continuance of a government-support program (as the aerospace industry bears witness).

So, "entitlement to welfare" is not, as the phrase implies, a legal principle—it has no legal underpinning. It is valid only as a recognition of the structural relationship between the affluence

[23] "Individual Rights," 1255. As to the analogy between welfare and subsidies to business, see "The New Property," 735. See the statement by the director of the National Welfare Rights Organization that "welfare is a way . . . to subsidize life in this country" and that "welfare is a right," in House Committee on Ways and Means, *Hearings on Social Security and Welfare Proposals*, Oct.-Nov. 1969, pp. 1015-16.

[24] *Goldberg* v *Kelly*, 262, 264, 265. And see the cases cited in n. 36 below.

[25] See Albert M. Bendich, "Privacy, Poverty, and the Constitution," *California Law Review*, LIV (1966), 435.

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of some and the poverty of others. The entitlement thesis does not answer, but merely affords new verbiage for, the enduring question of social good: until society is so reformed as to eliminate poverty, what is the most beneficial manner of "subsidizing" the indigent? Some experts in welfare administration answer this question in a vein similar to Reich's, emphasizing, however, the disastrousness of dependency for welfare mothers and their children. A welfare mother's feelings of entitlement and her emancipation from imposed social-work counseling, these experts hope, would increase her self-respect and might thus help her or at least her children break out of poverty and dependency.[26]

In the absence of countervailing data, it would seem that individual counseling to welfare mothers by welfare workers has been of little benefit. On the other hand, there is no indication of successful results from the abrogation of casework supervision in those districts in New York City where the unconditional entitlement view has been applied.[27] A new approach to welfare mothers and their children, relying neither on "meddlesome" home-visits and personalized counseling nor on entitlement, has been borning since the Work Incentive Training Act of 1968.[28]

Employment for Welfare Mothers

The Work Incentive Training Act (WIN, which so far has been only scantily funded and was to be implemented by the long-pending welfare reform measure of President Nixon)[29] enacted a

[26] See Jacobus tenBroek and Richard B. Wilson, "Public Assistance and Social Insurance," *UCLA Law Review*, I (1954), 267; Joel Handler and Margaret K. Rosenheim, "Privacy in Welfare," *Law and Contemporary Problems*, XXXI (1966), 386, 394.

[27] See the unpublished memorandum of the New York City Department of Social Services, *Separation of Income Maintenance and Service Operations*, Procedure No. 70-19 (May 1, 1970) providing for "social services . . . on a voluntary basis only as the client requests or needs them" in three welfare districts. See discussion of this "long sought" reform in the administration's report, U.S. Congress, Senate Committee on Finance, Report on H.R. 16311, *The Family Assistance Act of 1970*, 91st Cong., 2d Sess., June 1970, pp. 99, 93-94, 100, 110.

[28] Public Law 90-248, Title II, sec. 204(a); 81 Stat. 884-889 (1968); 42 U.S.C. 630-644; Social Security Act of 1935 as amended.

[29] Senate Committee on Finance, *Report on H.R. 16311*, 84, 160-79.

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program of work and work-training for welfare mothers. The Act declared that welfare mothers "will acquire a sense of dignity, self-worth, and confidence which will flow from being recognized as a wage-earning member of society and that the example of a working adult in these families will have beneficial effects on the children in such families."

The work ethic thus asserted by Congress is the element, unsung and unmentioned by Reich, which distinguishes most other government subsidies from welfare. While it is true that women who inherit wealth or find supporting males need not work to eat, prior to and apart from the popularity of AFDC the tradition was that a mother without other resources worked to support herself and her children. Women's Liberation did not initiate the view that a mother can perform a role, through choice or necessity, other than child-caretaker. Nor is the work ethic dead in the Supreme Court. In the only welfare case prior to *James* in which the challenged state action was upheld (there by the Warren Court), Maryland refused to grant a mother additional support for children after the fifth; the Court heeded the state's argument that its purpose was to encourage employment (by keying the maximum grant per family to the minimum wage).[30]

The work requirement imposed by WIN is hedged with safeguards and exemptions for the mother relating to her physical and mental capability for work, its suitability, its compatibility with her family life, and adequate day care for her children.[31] The other fundamental of the program is incentive payment—that is, the mother is to receive substantially more money for participating in the program than if she merely stayed home receiving welfare. The congressional draftsmen must have truly believed that children in a fatherless home, lacking the example of a working father, would benefit from the image of their mother's disciplined effort in her own and their behalf. For, considering the

[30] See *Dandridge* v *Williams:* "It is enough that a solid foundation for the regulation can be found in the State's legitimate interest in encouraging employment and in avoiding discrimination between welfare families and the families of the working poor . . . Maryland provides an incentive to seek gainful employment" (p. 486).

[31] See Note, "Work as a Condition for Welfare," *New York University Law Review*, XLIV (1969), 775.

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expense of training programs, incentive payments, and children's day care, as well as the need to create jobs in the public sector for welfare mothers, WIN is unlikely for some years to produce any saving for the taxpayer.

While the effectiveness of the norm of a working parent is undermined by those middle-class children who as "street people" or drug addicts reject employment, these deviants are few compared to the millions who are impregnated with their parents' work habit. And aside from WIN's purpose of supplying children with a parental "example of a working adult," the new learning on child development indicates that day care outside her home for the welfare mother's children is likely in itself to be a benefit. A child can profit from an enriched environment even in his first few months; and the insight into slum living gained since AFDC was launched in the 1930s is that day-care centers and "multiple mothering in stimulating institutional environments may be preferable" to the biological mother's constant care in a physically and culturally deprived fatherless home.[32] Indeed, while only small-scale research is yet available, children of working welfare mothers have been found less mentally disturbed than those of nonworking welfare mothers.[33]

WIN complements the federal mandate, also enacted in 1968,

[32] Albert I. Rabin, "Kibbutz Children," *Children*, XVI (1969), 162. And see the statement of Mitchell Ginsberg, then New York City's Human Resources Administrator, now dean of the School of Social Work of Columbia University: "We think in most cases both the mothers and the kids are better off if the mother does work"; House Committee on Ways and Means, *Hearings on Social Security and Welfare Proposals*, Oct.-Nov. 1969, p. 2345. See the similar statement by consultant Elizabeth Wickenden, *ibid.*, 701; and Olga R. Lurie, "Emotional Health of Children in the Family Setting," *Community Mental Health Journal*, VI (1970), 229, as to the emotional impairment of children of three years in relation to their socio-economic conditions.

[33] *New York Times*, Mar. 2, 1970, p. 15, reporting a study by the Columbia University School of Public Health entitled "Psychiatric Impairment in Urban Children over Time" (progress report dated June 1, 1970) by Dr. Thomas S. Langner; final report is not yet published.

Day-care centers can also avert the malnutrition found among poor children. See *New York Times*, Oct. 14, 1970, p. 49, reporting a survey of malnutrition by the New York City Health Dept. and interviews with malnutrition experts. In that food and other services are given directly to the child in the day-care center, the original AFDC system of grants in kind, used as a protection against improvident spending by the mother, can in part be reinstituted, without detraction from the mother's dignity; the indignity of such

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that birth-control services must be offered—but without coercion to accept—to welfare mothers.[34] For a woman may be motivated to limit the number of her dependents by the WIN incentive payments, which do not increase as does the regular welfare allowance with each additional birth, and by the prospect of graduating from WIN and welfare to become self-supporting.

Interference with Welfare Mothers' Freedom of Choice

"Slave labor" is the term understandably used for the WIN work requirement by the representatives of welfare mothers,[35] who, like all other citizens, prefer freedom from government regulation. Unquestionably, the obligation to undertake work training or work in order to receive public assistance is the antithesis of the entitlement-to-welfare philosophy and a drastic interference with the welfare mother's freedom of choice. In revulsion against the nineteenth-century condemnation of the poor as blameworthy and undeserving, it is said that the welfare mother *deserves* the right to direct her own life—to have the same choice as does a woman with resources whether to work or not.[36] But erecting a title to

grants caused the change to the present system of money grants. See Handler and Rosenheim, 387-88, as to the former system of "protective payments."

[34] Public Law 90-248, sec. 201(a)(1)(c) (1968); 42 U.S.C. 602a(15)(A,B,C). Efforts to encourage birth control by welfare mothers have been attacked as "race genocide" because many of them are black. This charge conveys a demagogic misrepresentation of the black population; in New York City, for example, less than 20 per cent of black women of child-bearing age are on welfare. See Blanche Bernstein, "Welfare in New York City," *City Almanac*, IV (Feb. 1970), 3; Henry Cohen, "Coping with Poverty," in Lyle C. Fitch and Annmarie Hauck Walsh, eds., *Agenda for a City* (Beverly Hills, Calif., 1970), 152; Report of the Committee on Law and Family Planning of the American Bar Association, *Family Law Quarterly*, IV (1970), 140-41.

[35] See the testimony of the director and the representative of the National Welfare Rights Organization, House Committee on Ways and Means, *Hearings on Social Security and Welfare Proposals*, Oct.-Nov. 1969, pp. 1015-17, and Senate Committee on Finance, *Hearings on H.R. 16311*, Apr. 29-May 1, 1970, p. 217.

[36] See "Report on Welfare Proposals," 47, 64; the testimony of Mitchell Ginsberg: "Mothers on welfare should have the same right that all other mothers have to decide whether it is best for them and their children that they go to work"; House Committee on Ways and Means, *Hearings on Social Security and Welfare Proposals*, Oct.-Nov. 1969, p. 2345. See rejection of the outmoded concept of the unworthy and " 'worthy' poor" in *King* v *Smith*, 320-25; see also *Shapiro* v *Thompson*, 632.

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unconditional support on this moralistic appraisal seems as inappropriate a way to determine societal responsibilities as the opposite free-will moralism of the last century.

The issue is whether the government should *change* the direction it has been giving to the lives of the poor; it should be recognized that through the AFDC contradiction of the work ethic, the government has already been influencing life choices.[37] The welfare mother's freedom of choice not to work, conferred by AFDC, may deprive her child of his freedom of choice for the rest of his life. If a child's low motivation to learn and to work results from the lack of a working parent in the home, this lack is likely to frustrate his achievement of the material betterment desired by the children of the poor. Social and economic reforms that would keep financially and emotionally supportive males in the home would undoubtedly be preferable to WIN. But for a beginning, Congress was, I believe, reasonable in reversing a policy that appeared to perpetuate a retarding way of life for children and in conditioning the subsidy for fatherless homes, like other subsidies, in a manner to advance a social good—here child welfare.

As to enforcement of the work requirement, financial reward is a usual coercion to work in our society, and WIN's incentive payments therefore pose no constitutional problem. Other methods of enforcement, however, would present difficulties. Even if it is constitutional to end a mother's public assistance because of her noncompliance with WIN, this sanction is likely to be unfeasible and undesirable. The children may not be benefited by complete removal from the mother's care even if a substitute residence were available, nor can the noncomplying mother be left destitute.[38]

[37] A further criticism of AFDC has been that in addition to its intended results, it has supplied an unintended incentive for an employed father to move out of the home so that the family can receive a full welfare allowance without any deduction for his earnings. See the testimony of Mitchell Ginsberg as to the unknown extent of such "fiscal abandonment," House Committee on Ways and Means, *Hearings on Social Security and Welfare Proposals*, Oct.-Nov. 1969, p. 2364; Cohen, 162, n. 21; *New York Times*, Dec. 5, 1970, p. 55, reports a labor union representative's charge as to the incidence of this practice. See Note, "AFDC Income Attribution," *Harvard Law Review*, LXXXIII (1970), 1370; Louise Lander, "AFDC Eligibility," *Clearinghouse Review*, IV (1970), 180.

[38] As to the unenforceability of a criminal penalty, see *People* v *Pickett*, 19 N. Y. 2d 170 (1967); compare Note, "Work as a Condition for Welfare," 786-92.

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The hope must be that the very establishment of the work standard, aided by the incentive payments and the possibility of a sanction, will be sufficient to secure general compliance; methods of welfare administration, like other government regulations, influence conduct even without the enforcement of penalties.[39] And possibly the Women's Liberation viewpoint will trickle down from the middle class to assist in changing the AFDC-aided image of the supported, child-caretaker mother.

A major purpose of the mandatory home-visit challenged in *James* was to determine whether children in AFDC homes were suffering from neglectful and unwholesome care. If WIN is sufficiently implemented so that preschool children attend day-care centers, they will, like school-age children, have a regular point of contact outside the home. The need from a child-welfare standpoint for a welfare worker's home-visit to uncover detrimental conditions, will thus be alleviated. Besides WIN's stimulation of the welfare mother's sense of self-worth and its monetary rewards for her, the WIN program of outside-the-home activity for her and her child can therefore lead to greater protection for her privacy in her home. WIN is a half-turn back to the pre-AFDC institutional care for fatherless children—but it is a compromise between full home and full institutional care which promises benefit to both parent and child.

[39] See June L. Tapp, "What Rule? What Role?" *UCLA Law Review*, XVII (1970), 1339. In *Pickett*, for example, the mere threat of conviction caused the defendant to accept employment.

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Politics and Protest: Hegel and Social Criticism

NICOLAS HAINES
The Australian National University

The repeated demonstration of protest in large and often violent public assemblies may exhaust the usefulness of the device. In particular, political philosophers and other teachers ought to be concerned about the effects on public, or political, education. Demonstration has been effective in extreme emergencies. On the other hand it can become an institutionalized substitute for social criticism. (In some countries, perhaps, it has never been anything else.) Criticism itself, moreover, may become discredited through its close association with activities which often exclude the conditions necessary to critical dialogue. Yet social criticism is both a mode of public life and an integral part of much that many of us see as our "Western" ideal of public order.

Philosophers must share the blame for the past neglect of political education in our Western communities. A recent study has alleged a strange, if not unholy, alliance between postpositivists and idealists, the effect of which has been virtually to exclude the philosopher from all part in criticism.[1] If any such charge is to be extended, historically, Hegel must be considered. This paper, however, makes no claim to add to the scholarly knowledge of Hegel

[1] W. H. Greenleaf, "Idealism, Modern Philosophy and Politics," in P. King and B. C. Parekh, eds., *Politics and Experience* (Cambridge, 1968), 93 ff.

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or even to engage in further criticism of that much embattled philosopher beyond what has been said before by scholars who have dedicated themselves to a study of his works. My purpose is to recall the debate which has surrounded Hegel and the Wartburg in order to illuminate distinctions between demonstration, public protest, and social criticism. At the same time I wish to carry further some earlier reflections on the place of philosophy in political education.[2]

Demonstration on the Wartburg

A public demonstration for nationalism and liberalism took place on the Wartburg near Eisenach in Thuringia in October 1817. Those larger and more significant demonstrations which were to take place exactly one hundred years later in Moscow have been explained partly by reference to Hegel through his famous student Karl Marx, but Marx was born seven months after the *Wartburgfest* and Hegel was not present at the demonstration. He shared some of its aims but objected to demonstration and bitterly opposed at least one of those who took part—J. F. Fries.

The Wartburg itself (both the hill and the castle), however, has so attracted symbols and symbol makers that it has acquired the status, almost, of the Greek *omphalos*, not only for the world of Hegelian polemics but for other, and wider, worlds including that which interests us, the world of politics. Wagner's *Tannhäuser und der Sängerkriege auf der Wartburg*—despite the ingratitude of the Jockey Club of Paris in 1861 for its 164 rehearsals—is the best known romantic excursion to the Wartburg. The wild things Wagner conjured up from the Wartburg may have descended, as his weird, upon Hitler, Germany's twentieth-century Siegfried; but Alan Bullock, despite Wahnfried and Houston Chamberlain, thinks Hegel's own "World Historical Individuals" may have had as much, or as little, to answer for.[3] For our purposes, however, the belly-stirring strains of *Tannhäuser*

[2] For some of these reflections, see N. Haines, "The Ballot and the Dream: A Footnote to a Century of Educated Democracy," *Political Science Quarterly*, LXXXIII (1968), 530-50.

[3] Alan Bullock, *Hitler: A Study in Tyranny* (rev. ed.; London, 1954), 351 f., 72. See also Hegel's *Philosophy of History* (London, 1902) referred to in Bullock, 351 n.

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will serve to remind us of the irrationalism Hegel feared both from the *Wartburgfest* and from the philosophy which surrounded it.

The demonstration in October 1817 recalled among others the events on the Wartburg in 1517 when Martin Luther, who sanctified and institutionalized protest, took refuge in the castle from his enemies. Heinrich Boehmer tells us that it was during his virtual imprisonment that Luther became "Junker George" of Lucas Cronach's portrait. More to the point, it was there and then that Luther translated the New Testament into German, a contribution to what Hegel calls man's "reconciliation with himself," which Hegel regards as fundamental.[4]

The Wartburg is still sacred to the memory of the most famous protest in European history, but the *Wartburgfest* of 1817 combined deference to Luther with the celebration of a more recent and violent demonstration—the victory of the Grand Alliance over Napoleon at Leipzig four years before. Still closer, however, to the intentions of the associations, such as the *Burschenshaften* and the *Turnvereine*, which organized the festival, was the person of Heinrich Friedrich Karl Stein (Baron *von und zum* Stein) whose life's work up to that time had been directed at the two grand objectives of the festival—liberalization and German national unity. For von Stein was both one of the heroes of Leipzig and a prime mover in such reforms as the Edict of Emancipation, published at Memel in 1807, which abolished serfdom.

The demonstration on the Wartburg is on record. Its objectives were soon to suffer a severe setback. In turning to the philosophers associated with the protest, we shall keep in mind our interest in whatever can be separated from the demonstration and called social criticism.

1.

During the festival one philosopher (at least) made a speech; another had his book burned. Book burning is a familiar, if not an institutionalized, form of protest; it has yet to lose its appeal. In search of social criticism, however, we turn first neither to

[4] H. Boehmer, *Martin Luther: Road to Reformation*, trans. J. Doberstein and T. Tappert (New York, 1957), chap. 28. For Hegel on Luther, see below and Hegel's *Lectures on the History of Philosophy*, trans. Haldane and Simson (London, 1896), III, pt. 2.

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the book burners nor to their victim, Professor K. L. von Haller, but to that philosopher who made a speech at the festival which the celebrants approved, Professor J. F. Fries. Fries lost his Chair of Philosophy at Jena partly because of his speech at the demonstration. He had to teach mathematics and physics for some years before he got another. Sidney Hook thinks Hegel would have had Fries clapped into jail, and if Walter Kaufmann's account of Fries's anti-Semitism could have been cited, such a proposal might not have seemed too harsh.[5]

Fries spoke at the festival on the state and the constitution. Hegel described this speech, "An die deutschen Burschen," as an expatiation on "living associations, indissolubly united by the holy chain of friendship" thus confounding "the whole fabric of public life in the broth of 'heart, friendship and inspiration.' "[6] No doubt this was a broth the Jews, whom Fries called "bloodsuckers of the people" and proposed to array in degrading clothes and subsequently expel from Germany, would have done well to sup with exceptionally long spoons. Yet "An die deutschen Burschen" was not an anti-Semitic speech. Fries used the primary symbols of the *Wartburgfest*—Leipzig, Luther, von Stein—and made use also of contemporary liberal-nationalist struggles in America and the Netherlands. It is not easy to see such a speech as social criticism. It is easier to examine Hegel's objections to Fries and his speech and to elicit from these such aids as we can to securing necessary distinctions between criticism and other forms of protest.

Hegel, toward the end of his *Lectures on the History of Philosophy*, says that Fries "turns back to the faith of Jacobi in the form of immediate judgments derived from reason, and dark conceptions incapable of utterance."[7] Whether or not such subjectivism and immediacy is properly attributable to Fries, Hegel does seem here to offer some ground for an account of social criticism as distinct from other forms of protest, though we can not say that he intended anything of the sort. What Hegel calls subjectivism comes, in its extreme form, he says, to "subjectivity of will

[5] Sidney Hook, "Hegel and his Apologists," *Encounter*, XXVI, no. 5 (1966), 86; Walter Kaufmann, *The Owl and the Nightingale: From Shakespeare to Existentialism* (London, 1959), 95 f.

[6] Hegel, *The Philosophy of Right*, trans. T. M. Knox (Oxford, 1952), 6.

[7] III, 511.

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and ignorance," finding its highest mode of cognition in "an immediate knowledge as a fact of consciousness." Exponents (such as Fichte) encourage us to renounce all consistent thought and all construction, substituting immediacy, which implies knowledge only in a "poetic, or at least a prophetic manner."[8] In preparing an account of social criticism, we should take advantage of the distinction Hegel makes here between a knowledge which is and a knowledge which is not poetic or prophetic in manner. The immediacy he deplores is arbitrary, he says; it amounts to giving oneself "entire liberty." He compares such poetic and prophetic performances to the goings-on of a *tabagie*, a tobacco-parliament, an association, we might say, of pipe-dreamers.

We cannot say that Hegel is here doing our business; he is not giving an account of what we would call social criticism or distinguishing between types of protest. What interests him is the "corrupting" influence of immediacy and subjectivism on philosophy; he is attacking *Gefühlsphilosophie*. Nevertheless, it is part of my own argument that we distinguish, in something of the same terms, between critical and noncritical protest in the interests of political education for a responsible society and, as we do so, make such comments on Hegel's defense of philosophy as may assist the modern public philosopher and his well-wishers to take a useful part in such education.

Thus we may distinguish the critical from the noncritical by paying some attention to the belief that Fries and others like him are said to have had an "immediate knowledge": "If immediate knowledge is to be allowed, everyone will be responsible merely to himself; this man knows this, another that, and consequently everything is justified and approved, however contrary to right and religion."[9] Modern, public demonstration, protest of the sort Professor T. B. Bottomore describes as situation-centered, is not free of this approach to knowledge.[10] What the protester claims to know "for himself," without the mediation of a discipline, an inquiry, a science, logic, religion, cumulative social experience, or the guidance of law, convention, or moral rule, what, in short,

[8] *Ibid.*, 508.

[9] *Ibid.*, 421.

[10] T. B. Bottomore, *Critics of Society: Radical Thought in North America* (London, 1967), 19. The vulgar term "situation-centered," however, is mine.

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he *feels* is treated as compulsive, meriting demonstration against institutions or policies.[11] If we accept that on such terms countercriticism or justification is inconceivable, then we have a basis upon which we can begin to discriminate between types of protest, critical and noncritical.

For social criticism, as I understand it, must accommodate the justification of policies and institutions, if indeed we are not prepared to say that justification *is* criticism. Plainly there are kinds of protest which do not offer such accommodation, some, but not all, of which we are disposed to call violent. By "accommodate," I mean that the language of criticism, the arrangement of statements in criticism, and also the attitudes of critics allow for, however grudgingly, if they do not positively welcome, counterstatements, replies in justification of institutions just as, in its turn, justification uses language and manifests attitudes which accommodate countercriticism. On the other hand, the poetic and prophetic forms which Hegel attributes to such as Fries are not so accommodating; they are not meant to be. We do not require such accommodation of them.

Hegel's case against Fries, then, whether or not this was intended, permits us, in the shadow of the Wartburg, to make some useful distinctions about types of protest. In the *Gefühlsphilosophie*, which Fries develops, Hegel sees the giving over of the world of ethics to the subjective accident of opinion and caprice: "By the simple family remedy of ascribing to feeling the labour . . . of reason and its intellect, all the trouble of rational insight and knowledge directed by speculative thinking is of course saved."[12] No one should be surprised if among the hundreds of thousands who today claim as a right a space in our educational buildings there should be few who do not wish to avoid "the labour . . . of reason" and the "trouble of rational insight and knowledge." Indeed, I suppose we ought to expect that a reluctance we all share to persist in hard work will find its way increasingly into protests

[11] The use or abuse of theories or half-theories of behavior and in particular the preoccupation with affect rather than intellect may have some part in this. See for such an argument, J. J. Schwab, "On the Corruption of Education by Psychology" in Donald Vandenberg, ed., *Theory of Knowledge and Problems of Education* (Chicago, 1969).

[12] *Philosophy of Right*, 6.

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against the very institutions whose traditional disciplines require it. Such tolerant appreciation of our common weakness, however, does not absolve us from the duty of distinguishing between permissiveness born of indolence and protest which seeks to demonstrate informed criticism.

2.

"Both the democratic and feudal opponents of the state agreed in repudiating the rule of law," says Herbert Marcuse of Hegel's contemporaries.[13] Professor K. L. von Haller's *Restauration der Staatswissenschaft* no doubt represents what Marcuse means by the "feudal" as opposed to Fries's "democratic" opposition.[14] Hegel has some sympathy with what he claims to be the influences that lead von Haller to write his book as he did. Hegel says that false theories "emanating from" the public philosophy of Rousseau together with attempts to realize such theories during the French Revolution provoked von Haller. Rousseau's thought about human rights and general will encouraged abstract conclusions which had been used, it was held, in overthrowing the ancient constitution of France as the first step toward reconstructing a whole community "on the basis of pure thought alone." Such an enterprise, according to Hegel, was doomed to end in "the maximum of frightfulness and terror."[15] We could say that (according to Hegel) von Haller was reacting against massive public demonstration attributed by him, in part, to the influence of abstract thought about institutions or even to criticism making use of Rousseau's conceptions. It is indeed understandable that a public philosopher, confronted by such events, should wish to restore a political science which provided some remedy in favor of civilization, arming rationality against anarchy. We would then be tempted into analogies with our own recent past and, in partic-

[13] Herbert Marcuse, *Reason and Revolution: Hegel and the Rise of Social Theory* (London, 1954), 181.

[14] Karl Ludwig von Haller, *Restauration der Staatswissenschaft* (6 vols.; Winterthur, 1820-34). The title of von Haller's books should intrigue philosophers of our time who so often find themselves invited to consider the "death" of political philosophy or, alternatively, its revival. See, for example, Dante Germino, *Beyond Ideology* (New York, 1967).

[15] *Philosophy of Right*, 157, 158 n.

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ular, with that response to ideology which found expression in the linguistic preoccupations of such philosophers as T. E. Weldon in the fifties.[16]

Hegel, too, deplores demonstration (if we may use the word, for a while, in a loose sense); in particular, he deplores the *Wartburgfest* with its "enthusiasm" and its encouragement to violence and immorality. Here, however, his sympathy with von Haller ends. It does not extend to the kind of response von Haller's book represents. For what is this "restoration of political science" announced in the title of von Haller's doomed book? How does he save himself from the false theories emanating principally from Rousseau: "to save himself from these theories, Herr von Haller has gone to the other extreme by dispensing with thought altogether. . . ."[17] How does one "dispense with thought altogether"? In two ways, at least, if we may follow Hegel's account of von Haller: first, in the philosopher's own method; second, in what we may call his system of justification for institutions. The method von Haller uses is comparable to what we have been discussing; it amounts to an expression of feeling in contempt of reason. As for justification, this is nothing more than bestowing on brute force a title superior to that enjoyed by law and right. Together the method and the system of justification comprise an irrationalism indistinguishable in its effects from that which Rousseau is supposed to have encouraged and Fries to have uttered at the *Wartburgfest* as an accompaniment, so to speak, to the burning of von Haller's book.

In his public philosophy, von Haller is a kind of proto-Darwinist. He discovers a "natural harmony" between increasing personal power and its regulative moral principles, leading him to conclude that "the mighty rules, must rule and will always rule." This is the lawlessness that Hegel attacks and that, as Marcuse says, von Haller shares with the romantics of the *Wartburgfest*. Walter Kaufmann says that Hegel tries, throughout his preface to *The Philosophy of Right*, to avoid two modes of lawlessness: Kaufmann calls one revolutionary, the other conservative—a dichotomy I find most misleading and one which still troubles

[16] See Greenleaf, for a recent comment.
[17] Hegel, *Philosophy of Right*, 158.

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our understanding of present-day social criticism.[18] Nevertheless, the conception of lawlessness is most important and will help us to distinguish social criticism from noncritical protest.

The method of expression characteristic of von Haller's book is illustrated at the end of Hegel's note.[19] He quotes from von Haller's preface the reference to the unspeakable pleasure the author had in his discoveries: " 'a joy such as only the friend of truth can feel when after honest search he has become confident that he has found, as it were, the voice of nature, the very word of God.' " A second quotation follows: " 'The author could have sunk to the ground in open amazement, a stream of joyful tears burst from his eyes, and living religious feeling sprang up in him there and then.' " The least we can say is that such expressions are more likely to be found among poets and prophets or mystics than among social critics.

3.

On Luther's famous walk to the Castle church at Wittenberg on October 31, 1517, his companion was one John Schneider (or Schnitter) later known as John Agricola. It was as Agricola that Luther's old friend was associated with the troublesome antinomian heresy. The heresy had its origins in an early Christian experience of liberation from the strictures of Judaistic rules. St. Paul, exemplar of this experience, discovered that "through faith," by grace, he was delivered from the burden of such rules; that the law (in this sense of "law") had been a "school-master to bring 'him' to Christ." Even then, however, others less prudent, or less wise, readily inferred that the condition of salvation freed them from obligation to all human regulations whatsoever. This gave St. Paul some trouble. At the heart of Martin Luther's reformation, similarly, there emerged John Agricola to revive this ancient heresy and present Luther with difficulties comparable to those of St. Paul.

We may think that Luther's fellow Protestants might have benefited from the services of some skilled precursor of Professor H. L. A. Hart, though Maurice Cranston has reminded us of a need

[18] Kaufmann, 106.
[19] *Philosophy of Right*, 160.

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for modesty in such matters.[20] Luther, however, seems to have meant by the "liberty" of faith release from certain definite commands accompanied by threats and appeals to fear; the antinomians, following Agricola, envisaged a liberty from all rule, including, of course, moral regulation. If this, to us, is tantamount to the rejection of rationality, then we may also find it possible to describe certain modern types of protest as antinomian without, however, committing ourselves to all that would be involved in accepting Durkheim's analysis of "infinite aspiration."[21] Since our purpose is to deal with social criticism as philsophers, not excluded themselves from the critical dialogue, we cannot therefore be satisfied, at this stage, with a "pathological" reduction of protest.

The lawlessness which troubled Hegel and provoked his hostility is the lawlessness of the antinomians, not of St. Paul or Martin Luther. It is "antinomian" protest, too, that I wish to distinguish from social criticism, which, as I understand it, cannot be antinomian. Modern demonstration, on the other hand obscures such distinctions. At the same time we are not without movements called philosophy which pose comparable threats to social criticism.

What von Haller says about law assigns to the few powerful the same kind of lawless freedom which Agricola and others encouraged the peasants to regard as theirs. The laws, in von Haller's thesis, became the toys of princes, dependent on their grace and favor (a view likely to be as "revolutionary" in some contexts as it is "conservative" in others). The law is so degraded by von Haller, however, on grounds different from those chosen by Paul and Luther. Are the grounds different from those selected by the antinomians or by modern antinomian protesters? Hegel has something to say about revelation which is to the point here, dis-

[20] H. L. A. Hart, *The Concept of Law* (Oxford, 1961). Maurice Cranston called to mind the experience of Wesley Newcomb Hohfield, the jurist, when students at Yale Law School petitioned for his removal after Hohfield had tried to do an analysis of "right"; "Human Rights, Real and Supposed," in D. D. Raphael, ed., *Political Theory and the Rights of Man* (London, 1967), 43.

[21] See, for example, Emile Durkheim, *Suicide*, ed. George Simpson, trans. John A. Spaulding and George Simpson (London, 1952), chap. 5. For certain misgivings hinted at here, see Steven Lukes, "Alienation and Anomie" in P. Laslett, ed., *Philosophy, Politics and Society* (Oxford, 1967), chap. 6.

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tinguishing between the objectivity of revelation through an authoritative church and the subjectivity of the so called revelation to which both Fries and Jacobi appealed. A similar confusion is present among modern protesters when they say that each man has a "right" to follow his own "conscience," "reason," or even (the ultimate of noncommitment) "thing." For they emphasize in such phrases such words as "each" and "man" but not "right," "reason," or "conscience," each of which symbols has its indissolubly *objective* component.

Free from such misleading tags as "conservative" and "revolutionary," we may now see what Fries and von Haller had in common as antinomian protesters. For what they had in common could prove both revolutionary and conservative but would in either case be noncritical. Contempt for law implies an end to justification. To be noncritical (like some poets and prophets) is not in itself to be antinomian; but to participate in antinomian protest is, strictly, to be noncritical. This is why demonstration is such a hazardous instrument of criticism; for whereas criticism may protest against this or that formulation of law or even against a law-making institution in its concreteness, activities which attract contempt for law as such and which find themselves charged with law-hating energies will solidify into mass movements which overwhelm judgment and exclude retort.

4.

Public assemblies *may* be demonstrations of criticism. Violent assemblies, among which I include those which forcibly prevent people from going about their work or their other chosen pursuits, may be justifiable; whether they are not not, they suspend critical dialogue. When von Haller extolls the arbitrariness of personal power, he is doing nothing fundamentally different from what apologists for demonstration do when they claim the "right" of demonstrators to exemption from the law's penalties simply on the ground that they are demonstrating. Some today speak as if they believe that demonstration alone creates an indefeasible right of the demonstrator by virtue of which any attempt, subsequently, to bring him before the courts for offences against persons or

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property is called victimization. The ground for such a so called right must be either the criticism allegedly demonstrated or the numbers and power of the demonstrators. If some purely legal right were at issue, then there could be no objection to the courts. If, however, it is a criticism which is being demonstrated that is regarded as the demonstrator's impunity, then this is tantamount to saying that criticism cannot itself be criticized or judged. If, on the other hand, it is neither of these things, then we are left with something very like von Haller's brute force argument; only it is the crowd, not the king, who is above the law.

Hegel remarks on the "ignorance" of those protesters at the *Wartburgfest* and elsewhere who appealed to their "immediate knowledge" without any understanding of the mediated, culturally determined nature of their valued beliefs and dispositions. This was a criticism of Fries's *Gefühlsphilosophie* but, pressed too far, as far perhaps as Hegel himself meant it to be pressed, it becomes, virtually, a total disqualification; we become involved in saying that social criticism is ignorant if it does not recognize that both its language and its criteria are socially determined and in meaning by this that it is not criticism at all, since criticism is inconceivable, but merely expression, indistinguishable, therefore, from other kinds of protest.

Without going so far, however, we can admit the force of Hegel's charge of ignorance inasmuch as we are aware of the way in which modern, antinomian protest demonstrates lawlessly against institutions which themselves both generate and sustain the goods which the protester values, including the good of protest itself. Antinomian protesters often attribute to all law whatsoever the faults the true critic finds in some laws or in the application or interpretation of others.

Fries and von Haller alike express what we may here call sentimentality. I mean by "sentimentality" (among other things) an abuse of symbols. This consists in detaching symbols of strong feeling intended to signify an experiential whole and a subsequent inflation of the symbol to cover all experience indiscriminately, or none. I detect sentimentality in this sense in Fries's use of "brotherhood." When modern protest, from time to time, propagates such words as "love" and "peace," as well as such

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dyslogisms as "imperialism," "privilege," and "capitalism," sentimentality in this sense appears. Sentimentality here pertains to a sign and exploits for other ends the strong feeling it symbolized in some experiential context. Thus "capitalism" has signified concrete evils and associated passions. Sentimental protest exploits this by applying to *all* obstacles the undiscriminating label, "capitalist."

K. F. von Haller's antinomianism arose, says Hegel, because of sentimental beliefs or statements about human rights derived from Rousseau. It is characteristic of the kind of beliefs Hegel means that they should pay little attention to that structure of human relations only within which are rights meaningful. Such beliefs pay little heed to such principles of order as moral and positive law enact. They are intent, rather, on both enjoying and exploiting that indisputably exciting (if short-lived) release of energy which follows upon the repudiation of concrete order. No doubt the *Wartburgfest* celebrated some such excitement as that which the German people enjoyed after the defeat of Napoleon. On the other hand, it was, perhaps, under the influence of an excitement generated by the festival that Karl Sand, one of the members of the Burschenshaften, was to murder Kotzebue and thereby give more excuse than was needed to reaction. In any case, it is the difficult task of public philosophy to moderate such strong feeling and introduce it to the disciplines of genuine social criticism.

In a well known essay written shortly after the First World War, Ernst Troeltsch argues the need to restore to German thought a natural law tradition cherished by Western Europe but not so consistently by his own people.[22] In this discourse Troeltsch speaks of romanticism as "a revolution, a thorough and genuine revolution: a revolution against the respectability of the bourgeois temper and against a universal equalitarian ethic: a revolution, above all, against the whole of the mathematico-mechanical spirit of science in western Europe."[23] This quotation and its context provide an effective summary of our interest in the Wartburg and

[22] Ernst Troeltsch, "The Ideas of Natural Law and Humanity in World Politics," an appendix to Otto Gierke's *Natural Law and the Theory of Society*, trans. Sir Ernest Barker (Cambridge, 1950). This was originally, in 1922, an address to the German Hochshule für Politik.

[23] *Ibid.*, 211.

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the *Wartburgfest*. For there are some of us public philosophers, of whom I am one, whose "hearts" from time to time are with those who protest against those things to which, according to Troeltsch, the "romantics" objected. We are moved to sympathy with students who demonstrate—however ignorantly or sentimentally—against some aspects of our social order. On the other hand—and here lies our dilemma—we have good reason to fear romantic or irrational demonstrations which not only smother criticism but threaten other institutions upon whose survival the tolerance of criticism itself seems to depend. It is such considerations which lead us to share Troeltsch's determination to appreciate, if not the natural law tradition itself, whatever we may uncover in our long experience of social philosophy that can help to provide a political education fit for a critical, responsible society.

The Flight of the Owl

Now Hegel deserts us. We could share his spectator's view of Wartburg and even his suspicion of demonstration. Some philosophers at least would understand his sympathy for some of the aims to which the *Wartburgfest* was dedicated; many of us would share his anxiety over anything like *Gefühlsphilosophie* in our time. Yet when we look for some account of philosophy which would establish its place in political education, we find that Hegel, for all his youthful interest in public criticism, declines to license philosophy for such work.[24] On the contrary, the preface to the *Rechtsphilosophie* leaves the philosopher with little more than an end-of-the-day, twilight, owl-like role, hard to distinguish, in terms of effectiveness, from that which the twentieth-century positivists preferred.

Before dealing directly with Hegel's "Owl of Minerva," however, we should examine some of the analogies between his times and ours, for it is by such analogies that we seek to comment on social criticism.

1.

In the first place the distinction made here between critical and non-

[24] For this, see *Hegel's Political Writings*, trans. T. M. Knox (Oxford, 1964), and the introductory essay in it by Z. A. Pelczynski.

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critical (antinomian) protest has been compared to Hegel's distinction between the *Gefühlsphilosophie* of Fries, Jacobi, Fichte, and others and what he, himself, would mean by "rationality," "science," "knowledge," and "philosophy." The antithetical terms of this analogy are not convertible. Nevertheless, some kinds of protest today may be said to stand in regard to social criticism as Fries's "immediate knowledge" and von Haller's "sentimentality" were said, by Hegel, to stand with respect to rationality and science. Such irrationality is a component of all demonstrative public protest; it is our business, as political educators, to distinguish it from criticism.

The second analogy is more complicated and will take longer to explain. The philosopher who applies himself to disentangling social criticism from the irrational in our time faces problems comparable to those Hegel faced in his controversy with Fries and others. Two of these must now be described. The first concerns the "right" to protest; the second has to do with the philosopher's methods as interpreter of criticism:

(a) The right to protest. Fries and others engaged in the *Wartburgfest* were in danger of encouraging the view that passion generated its own right. If immediacy is taken as a test of legitimacy, one might readily conclude that the strength of a feeling is sufficient title to its public, even violent, expression. The whole Protestant reform movement ran the risk of insinuating this consequence of "no mediation" into public education. All radical assaults on established authority develop a momentum likely to hurtle their perpetrators well beyond the deliberated stopping-point into such claims to immediacy as effectively dissolve the basis of right. For the conceptions of right, law, rationality, morality entail some form of mediacy, whether immanent or transcendent, personal or impersonal, to reduce coercion, regulate change, and impose form on energy. Irrational "philosophies" attacking this connection between right and mediation may yield theories of art or find their place in mystical theologies but are irreducibly hostile to a public philosophy determined to sustain critical interaction.

Hegel rejects the view that spontaneous, unformed feeling should be called philosophy. We may need to do the same in public educa-

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tion, however obvious this may seem in the inner reaches of the academy. It is not unknown for students and some of their teachers today to talk as if participation in demonstration, however violent, somehow generated rights to exemption from the usual penalties for such attacks on public order. We hear students who speak as if the very strength of their feelings (however these are generated or aroused) condemned all social and political attempts to regulate the expression of feeling.

Philosophical interest in *eunomia* does not commit a philosopher to the ideological "defense" of particular institutions. On the other hand, he is committed to certain procedures whose very rationality commits him to institutions requiring him to be critical, to preserve the right to be critical for others, and to take some part in political education for such institutions. Hegel, however, does not go so far. As with poetry and prophecy so with social criticism—he, like others of our own time, has a notion of philosophy as interpreting and understanding these activities without in any sense participating in them.

(b) The interpretation of protest. Marx opposed "interpretation" to "change." This seems to me a misrepresentation of interpretation.[25] Nevertheless, any attempt to rebut Marx's criticism by showing that philosophical interpretation of social protest is itself a critical activity does, admittedly, lead to serious difficulties. Here I am concerned with only one difficulty or with what may turn out to be one way of putting several difficulties. The interpretation of protest may be said to "corrupt" it by rationalizing the irrational, by intellectualizing an activity which finds its proper justification on levels other than the intellectual. For instance, if I insist on separating social criticism from other kinds of protest, it may be said that all I have done is to isolate a kind of discourse acceptable to philosophers but remote from the intentions of social protest.

An exhaustive consideration of these questions will not be undertaken here. If, however, we keep to the view that the philosopher, as such, is committed to the understanding and advocacy of certain procedures, procedures which themselves distinguish criti-

[25] For a further comment, see my paper, "Philosophy as Social Philosophy," *Philosophy*, XLII (1967), 159.

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cal from noncritical protest, we shall, I believe, once we agree upon the meaning of these procedures as rational, overcome our difficulties. What is required of a public philosophy, however, is a theory of social criticism which includes an account of the limits of rational procedures or, in other words, something like the justification of protest and rebellion undertaken in classical theories by such philosophers as John Locke.[26]

2.

> Whatever happens, every individual is a child of his time; so philosophy, too, is its own time apprehended in thoughts. It is just as absurd to fancy that an individual can overleap his own age . . . jump over Rhodes. . . .
>
> When philosophy paints its grey on grey, then has a shape of life grown old. . . . The owl of Minerva spreads its wings only with the falling of the dusk."[27]

The idea is that philosophy comes on the scene "too late" to give instruction, to say what the world ought to be. Plato's *Republic*, for instance, is said by Hegel to be "nothing but an interpretation of the nature of Greek ethical life." Now it is more than likely that Hegel only saw himself, in this context, as rejecting the activities of Fries and others at the *Wartburgfest*, that is, activities which, on our analogy, we ourselves regard as uncritical. Be that as it may, the images he uses go a long way toward depriving social criticism, and therefore a political education tolerant of social criticism, of philosophical discipline. In order to prevent such a deprivation, we have to understand how the Hegelian accomplishment of it is managed: this may throw light on other, non-Hegelian attitudes to criticism.

Hegel's scorn for judgments that "overleap" an "age" is significant. It appears that he shared von Haller's presumed dislike of Rousseau-like abstractions which attribute to reason the power, and the right, to generate social forms autonomously: that is, *ab initio*, on a social *tabula rasa* (like Socrates' "clear canvas"), yield-

[26] See F. A. Olafson's account of a system of justification in his *Society, Law and Morality* (Englewood Cliffs, N. J., 1961), general introduction, esp. sec. III.

[27] Hegel, *Philosophy of Right*, 11, 13.

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ing conceptions which could then be used (we would add) not in criticism of institutions but for their destruction, more like battering rams on the Bastille than arguments in the assembly. On the other hand, Hegel has been said to have detested with even greater conviction Edmund Burke's prescriptive rejection of Rousseau-like abstractions.[28] For, according to Pelczynski, Burke's "spirit of traditionalism and 'positivism,' the respect for the established institutions of the country, the veneration for antiquity, precedent and prescription" is precisely what Hegel's "political rationalism" deplores. What, then, is Hegel's political rationalism if it is not able, as we hold, to bring philosophy into the discipline of social criticism?

"The principle of political rationalism is summed up by Hegel," Pelczynski says, "as 'nothing in a state constitution shall be deemed valid that has not been sanctioned by the law of reason.' "[29] Now Hegel's law of reason may seem to embody an idea of coherence, clarity, intellectually satisfying arrangement, formal economy, or efficiency and certainty, not unlike the goal pursued by theorists and philosophers using conceptual equipment very different from, if not overly hostile to, his.[30] In such a quest Hegel may seem not to differ overmuch in his attitudes to institutions from Burke or Rousseau. On the other hand we may think he also resembles, in this respect, modern philosophical exponents of "clarification" or those who would like to use a pure, logical language. None of this may be examined here. We have, however, to take careful account of the equipment, the conceptual tools, with which Hegel, characteristically, pursues his rational goal and this for two related reasons. In the first place, it is his most characteristic tool—the "concrete universal"—which seems to me to detach his concept of the rational from our concern with social criticism.[31] In the second place, Hegel's idea of a law of

[28] I am here following Z. A. Pelczynski, 37-39, whose views on Hegel are (inevitably) vigorously opposed, in the main, by Sidney Hook, though not, perhaps, in this particular.

[29] Pelczynski, 40.

[30] Ernest Gellner's notion of a moral "redoubt" to which thinkers of various sorts retire from the transitoriness of the times is to the point. See Gellner's *Thought and Change* (London, 1964), esp. chaps. 4 and 5.

[31] By proposing to combine the actual with the ideal, Hegel dissolved a tension essential to criticism.

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reason as the ultimate sanction of institutions seems to me to march very closely with modern organization theories which both support forms of life intensely provocative of social protest and portray an alternative to social criticism of great significance to philosophers.

3.

Luther, the great protester, was said by Hegel to have "initiated faith in feeling" and to have begun a Reformation in which mind came "to the consciousness of reconciliation with itself."[32] By such a reconciliation the mind was called in "from the Beyond" to earth and to existential objects of earth. We, enlightened by Ludwig Feuerbach, by Karl Marx, and by other beneficiaries of Hegel, may say that, on Hegel's view, Luther, the Protestant, began the reversal of human "alienation." In knowledge, as in religion, man turns back into himself "from the Beyond of authority," and reason is recognized as the "absolutely universal and hence as divine." Man is made at home with himself; all "externality" is abolished, all mediation dissolved. Hegel, recalling Luther's own work as an exile in the Wartburg, says that his translation of the Bible into German restores the most intimate religious expressions of the German people: "To have one's own right to speak and think in one's own language really belongs to liberty."[33]

How then does Hegel succeed in approving this reconciliation, this (alleged) fusion of the old, two-worlds, two-swords, this-world-and-that, two-cities scheme of things into one world, without relapsing into all the sins of immediacy and irrationalism which he attributes to Fries, von Haller, and the rest? For us, the significance of this question is its resemblance to the one we have to ask: is it possible both to reject such bifurcations as the old natural law systems of justification seem to have used *and* still be social critics? If the answer to this second question is that Hegel does not provide a philosophical solution, then the answer to the first, the question about his own, alleged, resolution of the two-

[32] *History of Philosophy*, vol. 3, pt. 2, sec. 3C.
[33] *Philosophy of History*, 148 f.

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world issue, is still more important.

Luther's work of reconciling man with the earth may be said to have had its philosophical counterpart in Hegel's calling home of universals from the Platonic Beyond into an actuality where idea and sensory content are packed up in "concrete" symbols. This is the device by which Hegel both assists the great post-Reformation reconciliation and deprives philosophy of all part in social criticism. Its effect on institutions rationalized in the Hegelian sense is to render them virtually immune to social criticism or at least so to intimidate the philosophically aware as to discourage them from all part in social criticism. For Hegel's "actuality"—*Wirklichkeit*—becomes a whole, analyzable into components, some tangible, some intangible, with the idea of the whole, an intangible, logically inseparable from the tangibles. It is true that "the state" on such a view comes to mean both such tangibles as territorial frontiers marked by guards and posts, armies, princes, and civil servants *and* such intangibles as autonomy, justice, sovereignty, rule of law; and the effect of such a conjunction may seem to include both the idealization of actualities and the actualization of ideals but, in fact, such a notion of actuality is much more likely to depress ideas, leaving the tangible institutions, or their concepts, virtually free to dictate the terms of their own "criticism" just as we would expect, for example, with modern superorganizations. For the ideas necessary to such critical activity as, for example, leads to declarations of human rights, need the support of beliefs which are in themselves delicate, fragile inheritances hardly able to resist the onslaught of the immediacies of passion or the demands of organization. Such beliefs are constantly in need of just that "revisionary" replenishing which philosophy alone can undertake. Hegel's "actuality," on the other hand, shuts up the critical idea in its suffocating contact with the tangibles and deprives philosophy of the elan it needs to fortify criticism.

When Hegel borrows a phrase—"grey on grey"—from Goethe's Mephistopheles and uses it to characterize theory, he goes to a curious and depressing source for his account of philosophy.[34] For Goethe's *Faustus*, unlike Marlowe's, but like Browning's *Para-*

[34] Knox in *Philosophy of Right*, 304 n.

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celsus, maintains: "Who ever strives with all his power,/We are allowed to save," though striving, like aspiration, must protest against what is settled and prescribed.[35] Mephistopheles, on the other hand, denies all distinction between high and low since "everything that comes into being deserves to be destroyed"; and it is from this strange source that Hegel takes part of his characterization of philosophy. When Hegel wishes to show the impotence of philosophy and its negative connections with social criticism, he, himself, borrows symbols from poetry, symbols that neither invite nor accommodate critical response. It is as if the repulsion he feels for the irrational leaves him, in the end, with no alternative but a large dose of irrationalism as an antidote.

4.

In his *Principles of Political Obligation*, T. H. Green, the English Hegelian, speaks approvingly of the complex organizations of modern society as a medium through which ideas of perfection become concrete and perfection itself becomes attainable. Laws and institutions, he writes, give concreteness to the idea of perfection and impose a moral discipline through inheritance and education on natural impulses.[36] Green does not in this section of his lectures commit us to uncritical acceptance of any particular organization, but he does manifest an optimism about the connections between moral progress and growing social and political organization in Britain which goes beyond what might be called the irreducible interest of philosophy in a public order. On the other hand, we call Green a "liberal" and some of our authorities (at least) advise us not to exaggerate his Hegelianism.[37] My purpose in referring to him here is to show how such a philosopher's attitudes toward rational organization may prepare the way for a form of society in which social criticism has no part except as an auxiliary to the overall, unquestioned rationality of the superorganization.

[35] See Kaufmann, 66.

[36] T. H. Green, *Principles of Political Obligation* (London, 1917), sec. 23.

[37] Professor G. H. Sabine, for instance, looks to Christianity and to classical Greek thought for Green's primary sources; see Sabine, *A History of Political Theory* (New York, 1966), 728.

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It has been said that in Lenin's theory, organization was to mass what idea had been to matter in Plato's: that which imparted form to the formless.[38] We recall that Lenin thought of the good society on the model of a factory. The point is that we are already sufficiently persuaded of the rationality of large, supercorporations to be more than half-ready to abandon as itself irrational any form of social criticism which claims to call their fundamentals in question. The corporation appears to be becoming the model of rationality: "Since these institutions largely determine the mental sets of the participants they set the conditions for the exercize of docility and hence of rationality in human society."[39] Have philosophers any choice but to accept the implications for political education and adopt such circumscriptions of their work as have been prepared for them by post-Hegelians and neopositivists? Hegel's "concrete universal," with its joyful abandonment of the bifurcation (as Gellner calls it) which made a theory of social criticism and justification autonomous, ended, inevitably, in the impotence of his "Owl of Minerva" thesis. T. H. Green's praise of organization may seem to end in the same way. Idealists and positivists alike, therefore, "train" as public educators social philosophers who might find a place in some future ESSO, General Motors, or ICI, a kind of personnel officer whose special task it will be to explain, in terms of the organization and its complex functions, the role of each recruit and his ethical obligations. Nor is resistance to such a prospect greatly aided by men like Herbert Marcuse. For Marcuse's protests not only fail to distinguish between types of organizations whose value, to the moral judgment of most, seem greatly different,[40] but also (and increasingly) seem unable or unwilling to distinguish between what we call social criticism and the most violent intolerance.[41]

Demonstration today is sometimes said to be a form of protest against the growing power and extent of industrial organization. Philosophers can never lend their professional skills to programs

[38] Sheldon S. Wolin, *Politics and Vision* (London, 1961), 421.

[39] Herbert Simon, *Administrative Behavior* quoted in Wolin, 411.

[40] For instance, in Marcuse, *One Dimensional Man* (Boston, 1964).

[41] Maurice Cranston, "Herbert Marcuse," *Encounter*, XXXIII, no. 3 (1969), 38-50, takes this view.

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for the total destruction of a form of public order. On the other hand, neither can they sign on as devoted, unquestioning auxiliaries of *any* established order, but must, if such an emphasis can be made, be marginally *more* inclined to protest than to acceptance. For they are interested in good order, and no order which does not tolerate criticism can be good enough. Yet criticism is not identifiable with protest, much less with demonstration. It is the business of philosophers to explain and perpetuate the language of criticism: they must neither, ignorantly, seek to deprecate its social conditions nor, fallaciously, reduce it to its conditions and thus deny its critical power. Reason may indeed reach a species of perfection in modern organization but it is our business, as philosophers, to show that this is only the case if the organization itself, in its turn, is "under law" and that this is only possible if the work of social criticism has at its disposal some time and space, whether of its own making or attributable to the work of poets—or prophets—wherein to work outside the order which generates it.

We do not have to imagine and propagate a world-above-the-world contrary to what we believe to be the nature of reality in order to fulfil our obligations to social criticism. If we did so, however, this would be no greater a falsification than it is to deny the critical potential of human thought and language by reducing it to its sources and conditions. In order to mark out and exploit their proper place in education, our future public philosophers may have to be trained differently. Study of social criticism *in situ* alongside of historical scholarship should occupy some of the place now given, in some schools, to theories of knowledge and of morals developed over the years in academic hothouses. Political education calls for a philosophy as sensitive to industry and technology as Descartes was to mathematics if the endless human quest for *eunomia* is not to be abandoned.

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To Live—and Die—in Dixie: A Contribution to the Study of Southern Violence*

JOHN SHELTON REED
University of North Carolina at Chapel Hill

"Southerners," someone once remarked, "will be polite until they're angry enough to kill you." He might have added that this flash-point seems to come sooner for Southerners than for other Americans. Beneath the image of a gracious, hospitable, leisurely folk has lurked that of a hot-tempered, violent, even sadistic people, an image "so pervasive that it compels the attention of anyone interested in understanding the South."[1]

Violence: Image and Reality

The Southern reputation for violence is longstanding. The stereotype of the antebellum Southern gentleman was Mark Twain's Pembroke Howard in *Pudd'nhead Wilson*, "a man always courteously ready to stand up before you in the field if any act or word of his had seemed doubtful or suspicious to you, and explain it

* I am indebted to Professor Herbert H. Hyman of Wesleyan University for much valuable advice.

[1] Sheldon Hackney, "Southern Violence," *American Historical Review*, LXXIV (1969), 906. Hackney's recent contribution is by far the most sophisticated treatment of the topic to date. See p. 906, n. 1, for references to representative comments.

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with any weapon you might prefer from brad-awls to artillery." Although humorists and abolitionists undoubtedly exaggerated, force was necessarily a characteristic of slave society, and the image of the "lords of the lash" was not without foundation in fact. The duel was a frequent recourse of gentlemen (and, in its less elegant, eye-gouging variation, of nongentlemen as well) long after it had, for all intents, disappeared elsewhere. A disproportionate number of antebellum military men, practitioners of institutionalized violence, were of Southern birth, and Southern statesmen took the lead in urging war throughout the early nineteenth century.[2] There seems to have been a peculiarly Southern disposition to use force to settle personal, sectional, and national grievances.[3] (It was, after all, a South Carolinian who caned Massachusetts's Charles Sumner on the Senate floor, not vice versa.)

After the war, violence *(mutatis mutandis)* was perhaps still more characteristic of Southern life.[4] Emancipation removed from Southern Negroes even the tenuous protection their status as property had given them, and in the conflict over what their "place" was to be, uncounted numbers were flogged and hundreds lynched. The emergence of lynching, elsewhere a frontier phenomenon, lends support to Cash's characterization of the Reconstruction South as "the frontier the Yankee made."[5] Lynching lasted well into the twentieth century, dying out only to be replaced by a rash

[2] Southern-born notables in the *Dictionary of American Biography* were disproportionately likely to have been warriors. Nineteen per cent of those dead before 1866 were military men, compared to 13 per cent of Northeastern-born men of distinction. Of those born before 1860 and living after 1866, 15 per cent of the Southern entries were military men, compared to 6 per cent of the Northeasterners and 9 per cent of those born in the middle states. See Rupert B. Vance, "The Geography of Distinction: The Nation and Its Regions, 1790-1927," *Social Forces*, XVIII (1939), 175-76, Figures III and IV.

[3] John Hope Franklin, *The Militant South, 1800-1861* (Cambridge, Mass., 1956) has amply documented this disposition. His bibliographical essay (251-64) is an excellent guide to the relevant sources. See also H. C. Brearley, "The Pattern of Violence," in W. T. Couch, ed., *Culture in the South* (Chapel Hill, N. C., 1934), 685-89; Frank E. Vandiver, "The Southerner as Extremist," *The Idea of the South: Pursuit of a Central Theme* (Chicago, 1964), 43-49; and Alfred O. Hero Jr., *The Southerner and World Affairs* (Baton Rouge, La., 1965), 78 ff.

[4] Brearley, 689-91; Vandiver, 49-55; W. J. Cash, *The Mind of the South* (New York, 1941), 115-26.

[5] Cash, 115-26; Brearley, 678-81; Arthur F. Raper, *The Tragedy of Lynching* (Chapel Hill, N. C., 1933).

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of "civil rights murders," the bombings of schools and churches, and miscellaneous violence by police and private citizens at the University of Mississippi, St. Augustine, Birmingham, and elsewhere.

Nor has all of this violence been directed against Negroes. Among the victims of lynchers between 1889 and 1930 were 788 white men.[6] Although the formal duel was suppressed, a less ritualized form persisted in the rural South well into this century; while in the Southern hills family feuds and the murderous exploits of moonshining outlaws kept the image of Southern violence before the public.[7] Meanwhile, aside from the more spectacular incidents, white Southerners have been doing away with one another privately at a prodigious rate. There are large and persistent differences between Southern and non-Southern whites in the frequency with which they actually murder people.[8]

Although a recent Harris Poll has shown that there are some situations in which Southerners are no more, or indeed even less,

[6] Southern Commission on the Study of Lynching, *Lynchings and What They Mean* (Atlanta, n.d.), 73.

[7] Brearley observed that a remark made in the 1890s was still valid in the 1930s: "It has been found impossible to convict men of murder . . . provided the jury is convinced that the assailant's honor was aggrieved and that he gave his adversary notice of his intention to assail him" (p. 687). For similar observations and anecdotal material in support of them, see Hodding Carter, *Southern Legacy* (Baton Rouge, La., 1950), 48-63. On feuds, outlaws, etc., see Horace Kephart, *Our Southern Highlanders* (New York, 1913), 313-53.

This Southern understanding that a variety of circumstances require deadly retaliation probably explains the otherwise curious disinclination of Southerners to endorse, in the abstract, capital punishment for murder. In 1947, 50 per cent of white Southern respondents to a Gallup Poll and 41 per cent of white non-Southern respondents opposed the death penalty for murder; American Institute of Public Opinion (AIPO) study #397. In 1965, the proportions were 56 per cent and 44 per cent, respectively; AIPO 704. Cf. Hazel Erskine, "The Polls: Capital Punishment," *Public Opinion Quarterly*, XXXIV (1970), 291. There definitely is not a general Southern benevolence toward criminals. Forty-one per cent of white Southerners, compared to 31 per cent of white non-Southerners, favored public whipping "or worse" for sex criminals; National Opinion Research Center study #341-342 (1953). And 65 per cent of white Southerners would deny the vote to inmates of prisons, compared to 44 per cent of non-Southern whites; AIPO 714 (1965). These data and those below were obtained from the archives of the Roper Public Opinion Research Center, Williamstown, Mass. I greatly appreciate the cooperation of the Center in my research.

[8] See Hackney's summary of the evidence, pp. 906-08.

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likely to approve of violence than are non-Southerners, the historical record and the actual crime statistics suggest that Southerners do have a "tendency to appeal to force" to settle differences, and it may be supposed that they view such a resort as legitimate more often than do non-Southerners.[9] If this is so, it is consistent with a number of diverse regional differences remarked by many observers, from the higher prestige accorded in the South to career military men to Southern support for intervention in World War II.[10]

This article will examine regional differences in attitudes and behaviors of two sorts: those concerning private ownership and use of guns and those concerning corporal punishment of children. As Hackney has observed, each might contribute to the maintenance of regional differences in homicide rates; at the very least they may be viewed as aspects of a more general acceptance of violence and the use of force. Public opinion poll data bearing on these issues were obtained from the archives of the Roper Public Opinion Research Center.[11] I shall use these data to examine, first, the direction and magnitude of the differences between the South and the rest of the United States; second, the ex-

[9] See above, n. 7. By hypothesis, then, the Southern subculture qualifies as a "subculture of violence," characterized by a "potential resort or willingness to resort to violence in a variety of situations. . . ." Further, the "use of violence . . . is not viewed as illicit conduct, and the users therefore do not have to deal with feelings of guilt about their aggression"; Marvin E. Wolfgang and Franco Ferracuti, "Subculture of Violence: An Integrated Conceptualization" in David O. Arnold, ed., *The Sociology of Subcultures* (Berkeley, 1970), 147. The Harris Poll which suggests caution in generalizing about Southern violence is analyzed by Rodney Stark and James McEvoy III, "Middle-Class Violence," *Psychology Today*, IV (Nov. 1970), 52-54, 110-12.

[10] Southerners give slightly higher ratings to the occupations of "Regular Army captain" and "Regular Army corporal" than do other Americans; see Albert J. Reiss Jr. *et al.*, *Occupations and Social Status* (Glencoe, Ill., 1961), 205, 211. Cf. Hero, 80-91; Hero, 108 ff., has also cataloged a number of regional differences in attitudes toward foreign policy which can be interpreted in this fashion. John Temple Graves, *The Fighting South* (New York, 1943) assumes a direct link between the South's "fighting spirit" and its support for intervention before Pearl Harbor and he attempts to explain the former; see especially pp. 3-18. A superficially attractive notion—that Southerners "know better than anyone else that war settles questions" (an explanation offered by Mark Ethridge in Graves, 8)—falls before Franklin's evidence of Southern belligerence before the Civil War. On Southern interventionism, see Hero, 91-103.

[11] See above, n. 7. The data were obtained in the course of a larger study and do not exhaust the Center's poll data in these areas. The data analyzed

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tent to which these differences are due to economic and social differences between South and non-South; and, finally, the changes in these attitudes and behaviors in the recent past (in particular, the changes in the regional differences).[12]

"Below the Smith and Wesson Line"

Southerners are at least potentially more trigger-happy than other Americans: as Table 1 shows, they are more likely to own guns. One possible explanation of higher Southern murder rates might run as follows: in a relatively rural population, where firearms are widely used for shooting vermin and for hunting, the availability of guns turns what otherwise would be shouting matches or fist-fights into shooting affrays.[13] But the data on hunting in Table 1 indicate that regional differences in gun ownership are larger than can be accounted for by this factor alone.[14] It is apparent that Southerners who do not hunt are more likely to own guns than nonhunters elsewhere. Even if the Southern murder rate is higher solely because of the availability of guns, we still have to inquire why there are so many guns lying around.

One possibility is the welter of state laws dealing with gun ownership. It is easier to own and use a gun legally in most Southern states. But this observation begs the question of why the people of the South have not, as Table 2 shows, supported restrictions on gun ownership.[15] Hackney has also pointed out

here are for white respondents only. The "South" refers to the eleven ex-Confederate states plus Kentucky and Oklahoma.

[12] Hackney's analysis of homicide rates controls for economic and social differences between the South and the rest of the United States and shows that these factors are not sufficient to explain the difference in homicide. Since his units are states, however, rather than individuals, his analysis is open to criticism.

[13] For this argument, see Brearley, 678. He observes that about three-quarters of Southern homicides in the 1930s were committed with firearms, compared to less than half of the homicides in New England.

[14] A study conducted by the Survey Research Center of the University of Michigan in 1959 and 1960 shows a similar regional difference in hunting; see Eva Mueller and Gerald Gurin, *Participation in Outdoor Recreation: Factors Affecting Demand among American Adults* (Washington, D. C., 1962), 19.

[15] Furthermore, Hackney, 919, points out that the homicide rate is not strikingly different in those Southern states which do have strict controls.

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TABLE 1

Gun Ownership and Hunting, By Region: 1959-1968

	1959[1]	1965[2]	1968[3]
"Do you happen to have in your home any guns or revolvers?"		*Per cent "yes"*	
South (*N*)	66% (299)	62% (553)*	52%
Non-South (*N*)	44% (1074)	46% (2066)*	27%
Difference	22	16	25
"Do you, or does your husband/wife, go hunting?"		*Per cent "yes"*	
South (*N*)	53% (298)	41% (553)*	
Non-South (*N*)	33% (1070)	38% (2066)*	
Difference	20	3	

[1] AIPO 616.

[2] AIPO 704.

[3] Opinion Research, Inc., survey for CBS program of Sept 2, 1968, reported in Hackney, 919. Question-wording and sample sizes not reported.

* Weighted *N*; raw *N* is approximately one-half this figure.

that simple assault rates are higher in the South, indicating that Southern murders are not merely assaults which turned into murders because of easy access to guns.[16] It appears that Southerners are simply less uncomfortable with the implications and potentialities of what one state attorney general called "'an armed camp in time of peace.'"[17]

"The Tune of a Hickory Stick"

Hackney has suggested that the Southern pattern of violence may be due to regional differences in childrearing practices, hazarding a guess (in the absence of data) that Southerners are more likely to beat their children, who, when they grow up, are therefore more likely to be violent themselves.[18] He does not address himself to the question of why Southerners are more likely to employ

[16] *Ibid.*, 919-20.

[17] Quoted in Brearley, 678. The item dealing with handguns is particularly suggestive, since such weapons are used almost exclusively against human beings.

[18] Hackney, 918-19.

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TABLE 2

Opposition to Restrictions on Gun Ownership, South and Non-South, 1959-65

	July 1959[1]	*Dec. 1963*[2]	*Jan. 1965*[3]	*Sept. 1965*[4]
"Do you think it should be legal or illegal for private citizens to have loaded weapons in their homes?"			*Per cent "legal"*[5]	
South (*N*)	57% (269)		70% (511)*	
Non-South (*N*)	38% (1004)		44% (1906)*	
Difference	19		26	
"What about the possession of pistols and revolvers—do you think there should be a law which would forbid the possession of this type of gun except by the police or other authorized persons?"			*Per cent "should not"*[5]	
South (*N*)	44% (279)		63% (492)*	
Non-South (*N*)	36% (1016)		43% (1934)*	
Difference	8		20	
"Would you favor or oppose a law which would require a person to obtain a police permit before he or she could buy a gun?"			*Per cent "oppose"*[5]	
South (*N*)	31% (282)	26% (900)*	36% (525)*	35% (705)*
Non-South (*N*)	20% (1044)	17% (2714)*	22% (1985)*	23% (2287)*
Difference	11	9	14	12

[1] AIPO 616.
[2] AIPO 681.
[3] AIPO 704.
[4] AIPO 717.
[5] "Don't know" responses excluded from per cent base.
* Weighted *N*; raw *N* is approximately one-half this figure.

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corporal punishment, but, if such punishment were going out of style, one explanation could be simple cultural lag.

Table 3 shows that in 1946 Southerners were more likely to report that they themselves were spanked as children and to approve of spanking children.[19] If we accept their reminiscences as an accurate report of childrearing practices when they were growing up and assume that those who did not approve of spanking children did not, in fact, spank their children, it appears that over the years before 1946 there had been a decline in the prevalence of corporal punishment in both South and non-South, consistent with a cultural lag explanation of the difference.

The data in Table 4, however, do not support such an interpretation. Between 1946 and 1958, there was a marked increase in both regions in support for corporal punishment. The items ask specifically about the right of school officials to spank children, but, presumably, asserting that school officials have such a right indicates even more acceptance of corporal punishment than does the belief that parents should spank their own children.[20]

Respondents were also asked on three occasions if discipline was too severe or not severe enough in their schools, and Southerners were, if anything, less likely to say "not severe enough." The greater acceptance by Southerners of corporal punishment in the schools, then, does not represent a response to perceived disorder, but a peculiarly Southern acceptance of the use of force.[21] Whether widespread use of corporal punishment is a factor per-

[19] Data not shown here, from AIPO 538 (1954), reveal that Southerners are more likely than others to pick corporal punishment as the type which worked best when they were teenagers; and, among those who believe in corporal punishment, Southerners are more likely to advocate its use on teenagers (as well as younger children).

[20] The questions were asked together only on the 1946 survey. Analysis reveals, as might be expected, extremely high correlation: almost all who approved of corporal punishment in the schools approved of it—or at least exployed it—in their homes.

[21] In 1954, 43 per cent of the Southern respondents and 41 per cent of the non-Southerners felt that "discipline in the public schools *in this community* is . . . not strict enough"; AIPO 533. In the same year, 61 per cent of Southerners and 65 per cent of non-Sourtherners felt "discipline in *most schools* today is . . . not strict enough"; AIPO 538. In 1958, 62 per cent of Southerners and 75 per cent of non-Southerners felt this way about "our public schools"; AIPO 608. Southerners seem to be getting what they want. A poll of the readers of *Grade Teacher* magazine revealed that 70 per cent of

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TABLE 3

Corporal Punishment in Own Childhood and Beliefs about Corporal Punishment, South and Non-South[1]

"Were you spanked as a child?"	*Per cent "yes"*
South (*N*)	92% (395)
Non-South (*N*)	83% (2640)
Difference	9
"Do you approve or disapprove of spanking children?"	*Per cent "approve"*[2]
South (*N*)	85% (383)
Non-South (*N*)	72% (2560)
Difference	13

[1] AIPO 377 (1946).
[2] "Don't know" responses excluded from per cent base.

TABLE 4

Attitudes Toward Corporal Punishment in Schools, South and Non-South, 1938-58

	Per cent who approve corporal punishment in schools[1]			
	1938[2]	*1946*[3]	*1954*[4]	*1958*[5]
South (*N*)	76% (458)	59% (380)	74% (385)	81% (301)
Non-South (*N*)	50% (2255)	33% (2568)	48% (975)	58% (1046)
Difference	26	26	26	23

[1] "Don't know" responses excluded from per cent base.
[2] AIPO 114. "Do you think school teachers should be allowed to spank disobedient children at school?"
[3] AIPO 377. "Do you think teachers in grade school should have the right to spank children at school?"
[4] AIPO 538. "Do you think school officials should ever have the right to give pupils a licking?"
[5] AIPO 608. "Some teachers say they should have the right to punish students in grade school by paddling them. Do you think they should be allowed to do this, or not?"

the Southern respondents had used "physical punishment" in the last year, compared to 37 per cent of the Easterners, 38 per cent of the Westerners, and 54 per cent of the Midwesterners; "Discipline: Not the Worst Problem . . . but Bad," *Grade Teacher*, LXXXVI, no. 1 (1968), 152.

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petuating that acceptance, as well as a manifestation of it, cannot be determined from the data (although, as Hackney observes, there are strong theoretical reasons for supposing so).[22]

Persistence in a "Reconstructed" South

It could be argued that some of the differences examined above are due to Southerners' being less well educated, more rural, or less likely to be employed in white-collar or industrial jobs. The technique of "test-factor standardization" allows us to construct a hypothetical Southern population which is as well educated, urban, and industrialized as the non-Southern population actually is.[23] If regional differences still remain, they must be due to something else.

Table 5 shows the effects of standardization on gun ownership and hunting and on attitudes toward gun control. The largest reduction produced is in actual gun ownership, but the control variables explain less than half of the regional difference. For the item with the largest initial difference—opinion on whether citizens should be allowed to keep loaded guns in their homes—standardization makes no difference. On the other three items, standardization explains from about 20 per cent to about 30 per cent of the regional difference.

The question whether a police permit should be required of

[22] Hackney, 918-19. See Martin Gold, "Suicide, Homicide, and the Socialization of Aggression," *American Journal of Sociology*, LXIII (1958), 651-61.

[23] City size and self-reported education and occupation were used to construct a 22-valued typology. The Southern subsample was divided into these types, the dependent variable examined for each, and the types then recombined in the same proportions as in the non-Southern subsample. For a general description of the technique, see Morris Rosenberg, "Test Factor Standardization as a Method of Interpretation," *Social Forces*, XLI (1962), 53-61. For a detailed description of the present application, see John Shelton Reed, *The Enduring South* (Lexington, Mass., forthcoming). For nearly all of the items examined here, there are sex differences in response of about the same order of magnitude as the regional differences. Examination of the data showed, however, no appreciable regional differences in age or sex distribution, so it is not necessary to control for these variables. On almost every item, by the way, sex differences were smaller in the South than in the non-South. With respect to violence, in other words, Southern women are less "feminine," both absolutely and relative to their men, than are non-Southern women.

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TABLE 5

Effects of Standardization on Regional Differences in Gun-Related Attitudes and Behaviors

Item	*Per cent of Southerners giving response*	*Per cent difference (South) − (Non-South)* *Raw*	*Standardized*
"Do you happen to have in your home any guns or revolvers?"[1] (yes)	63%	14	8
"Do you or does your husband/wife go hunting?"[1] (yes)	45%	9	7
"Do you think it should be legal or illegal for private citizens to have loaded weapons in their homes?"[1] (legal)	65%	23	23
". . . do you think there should be a law [restricting handguns to] police or other authorized persons?"[1] (no)	56%	15	11
"Would you favor or oppose a law which would require a person to obtain a police permit before he or she could buy a gun?"[2] (oppose)	31%	11	9

[1] Pooled data from AIPO 616 and 704.
[2] Pooled data from AIPO 616, 681, 704, 717.

gun owners was asked four times. Pooling the data from these four surveys allows us to look at population subgroups in more detail. Table 6 shows those subgroups (defined by the standardization operation) in which Southern respondents differ most from non-Southern respondents and those in which they differ least. There appears to be very little interaction of region with the control variables. Educated, urban business and professional people in the South differ from educated, urban business and professional people in the North to about the same extent as uneducated farm people in the South differ from their Northern counterparts. Most strata show regional differences of around 10 per cent.

In Table 7, standardization is seen to produce results comparable to those above. Reductions in the regional difference range

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TABLE 6

Proportion Who Oppose Requiring Police Permit for Purchase of a Gun, for Selected Standardization Groups, South and Non-South[1]

Group	South %	South N	Non-South %	Non-South N	Difference (South) − (Non-South)
Rural, uneducated business, professional, white collar	37%	(71)	15%	(75)	+22
Town, uneducated skilled labor	44%	(54)	26%	(146)	+18
Urban, educated white collar	31%	(121)	14%	(541)	+17
Rural, educated labor	29%	(129)	26%	(339)	+3
Urban, uneducated unskilled labor	14%	(88)	13%	(565)	+1
Urban and town, uneducated white collar	12%	(50)	12%	(174)	0
Urban, uneducated skilled labor	17%	(103)	18%	(411)	−1
Town, uneducated unskilled labor	20%	(84)	32%	(318)	−12

[1] Pooled data from AIPO 616, 681, 704, 717.

Note: All other standardization groups show regional differences of between 6 and 13 per cent. Median difference = 9.5; inter-quartile range of differences = 7.

from none, for reports on whether the respondent was spanked as a child, to somewhat under 25 per cent of the original difference.

Table 8 shows the responses of different subgroups to the items on corporal punishment in the schools. Here, as above, there is little interaction between region and the control variables. Most groups in the South differ from equivalent non-Southern groups by about 23 per cent; none departs from this percentage by much and there is no obvious pattern among those which depart from it more than others.

The effects of standardization, in general, then, are slight. Most of the original regional differences are reduced somewhat, but none is reduced by even half. The differences—while in the

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TABLE 7

Effects of Standardization on Regional Differences in Attitudes Toward Corporal Punishment

Item	Per cent of Southerners group response	Per cent difference (South) − (Non-South) Raw	Standardized
"Were you spanked as a child?"[1] (yes)	92%	9	9
"Do you approve or disapprove of spanking children?"[1] (approve)	85%	12	10
Approve corporal punishment in schools[2]	71%	29	22

[1] AIPO 377 (1946)

[2] Pooled data from AIPO 377, 538, 608. For the wordings of the questions, see Table 4.

direction of those produced by the South's lag in urbanization, industrialization, and education—are of sufficient magnitude that they cannot be accounted for by that lag alone. The absence of appreciable interaction between region and the control variables suggests that, with respect to violence, there may be a "Southern factor" which can almost be tacked on, additively, to a prediction based on education, occupation, and urban or rural residence.

Trend and Outlook: The South as Wave of the Future?

The results of the standardization indicate that one cannot rely on regional demographic convergence to obliterate the demonstrated regional differences in attitudes toward firearms and corporal punishment. To the extent that these attitudes contribute to or are indicative of a more general "subculture of violence" in the South, that subculture cannot be expected to disappear. The trend data displayed above support the same conclusion.

Table 1 shows a very substantial decrease in the regional difference in the proportion of hunters without a corresponding decrease in the difference in the proportion of gun owners. These two statistics taken together would seem to indicate that, in 1965 in the South, a higher proportion of nonhunters owned guns than

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TABLE 8

Proportion who Favor Corporal Punishment in Schools, for Selected Standardization Groups, South and Non-South[1]

Group	South %	South N	Non-South %	Non-South N	Difference (South) − (Non-South)
Urban, uneducated skilled labor	69%	(28)	37%	(260)	+32
Educated farmers and farm labor	80%	(73)	50%	(201)	+30
Town, educated white collar	71%	(45)	43%	(128)	+28
Rural, uneducated business, professional, white collar	83%	(29)	66%	(32)	+17
Urban, educated business and professional	52%	(50)	35%	(489)	+17
Rural, educated labor	81%	(37)	64%	(73)	+17
Urban, educated labor	52%	(35)	37%	(425)	+15
Rural, uneducated labor	89%	(110)	75%	(151)	+14

[1] Pooled data from AIPO 377, 538, 608.

Note: All other standardization groups show regional differences of between 20 and 26 per cent. Median difference = 23; inter-quartile range of differences = 8.

in 1959, while outside the South, a lower proportion did—an increasing difference.

Table 2 shows, for every item but the last, an increase over time in the regional difference. Oddly enough, the non-South appears to be moving toward the Southern position; that is, other regions are becoming more permissive about firearms, although the South is becoming more permissive even faster—thus widening the gap. On the last item (whether a police permit should be required to own a gun), there is no consistent trend in the regional difference, although all regions may be becoming more permissive.[24]

[24] The second observation in this series was taken a month after President Kennedy's assassination. Note that the proportion which was permissive was temporarily reduced both in the South and elsewhere, but that it had regained and exceeded its original level within little more than a year.

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If the data reported in Table 3, on corporal punishment when the respondent was a child and the respondent's present feeling about corporal punishment, are interpreted as trend data, they show (even without allowing for a possible ceiling effect) an increasing regional difference in this respect. The actual trend data reported in Table 4, on corporal punishment in the schools, show no substantial reduction of the regional difference between 1938 and 1958. Here again, the pattern after 1946 was one of the rest of the nation moving toward the Southern position, as the South became even more "Southern." The net result was no reduction of the regional difference.

It may be that the South had, during the past generation, the dubious distinction of being in the vanguard of a national trend—it was the most violent region in an increasingly violent nation. The principal bar to such a sweeping generalization is the problematic relation of the indicators examined here to the general pattern of violence which is of interest. As the sole basis for a conclusion that the American temperament is increasingly violent, data on gun-control attitudes and childrearing practices are embarrassingly wanting.[25] As indicators of a regional difference for which external documentation exists in abundance, they are somewhat better, and their use in this analysis will rest at that.

[25] There are indications, however, that, over the short term at least, violence has been increasing in the United States. See the figures for aggravated assault from 1937 to 1957 in the U.S. Bureau of the Census, *Historical Statistics of the United States* (Washington, D. C., 1960), Series H-449, p. 218. The figures for murder and nonnegligent manslaughter, Series H-446, p. 218, show no corresponding increase, however. An index of "violent crime" almost doubled between 1961 and 1967; Raymond Tanter, "International War and Domestic Turmoil: Some Contemporary Evidence" in Hugh Davis Graham and Ted Robert Gurr, eds., *Violence in America: Historical and Comparative Perspectives* (New York, 1969), 555.

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Foreign Affairs: A Winning Issue in the Campaign for Ratification of the United States Constitution

FREDERICK W. MARKS III
Purdue University

> If we are to be one nation in any respect, it clearly ought to be in respect to other nations.[1]

The work of the Philadelphia Convention in drafting the American Constitution during the hot summer of 1787 has been called a "miracle"—a miracle of statesmanship, of scholarly application, of political expertise.[2] Just as miraculous, however, was the skill with which the proponents of constitutional reform presented their case to the public. It has been suggested that they worked so quickly that the opposition never had time to organize, that they were favored by the newspapers, that they benefited from the superior prestige of their leaders, and that perhaps they succeeded through sheer good fortune. All of this may be true. But in light of the difficulties which lay before them, they waged a shrewd campaign. They had to sell the country a completely new frame of government. Many whose approval they sought, moreover, were unfamiliar with continental problems and therefore unappreciative of the remedies offered. Most were sensi-

[1] James Madison, *The Federalist Papers*, ed. Clinton Rossiter (New York, 1961), No. 42, p. 264; all subsequent references to the *Federalist Papers* are to this edition.

[2] Catherine Drinker Bowen, *Miracle at Philadelphia* (Boston, 1966).

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tive to any threat, however remote, to their newly won freedom. In particular they would tend to be strongly biased against any plan which reminded them of the British imperial system, characterized by a strong central government with power to tax and maintain standing armies. Finally, state and local leaders were not anxious to see continental power augmented at their own expense.

Throughout the ratification campaign Antifederalists criticized the Constitution for concentrating too much power in the hands of the central government without sufficient checks and balances. State governments, they argued, would lose power. The country would fall into the hands of a privileged few. The rich would oppress the poor.[3] The Constitution would degenerate into a bill of tyranny. One geographical section would victimize another. Such arguments, stressing the cultural, economic, and political diversity of the country, were divisive and, as such, well suited to the obstructionist cause.[4]

Federalists, on the other hand, were obliged to emphasize unity and a harmony of interests. The question can therefore be put: how did they conduct their side of the great debate? Which arguments did they fasten upon as having the greatest common appeal for such a variety of people as lived between Maine and Georgia, and between the tidewater regions of Virginia and the Mississippi valley?

It appears that they found the key to consensus in several issues related to foreign affairs. In state ratifying conventions and in their propaganda, Federalists stressed the weak condition of American defense. The Constitution, with its provisions for a standing army and navy, would reduce the likelihood of invasion and increase America's ability to wage war. It would also bring relief from commercial distress by allowing Congress to retaliate against

[3] A classic example of this was the testimony of Amos Singletary in the Massachusetts ratifying convention; Jonathan Elliot, ed., *The Debates in the Several State Conventions on the Adoption of the Federal Constitution* (Philadelphia, 1861), II, 101-02, 147 (hereafter, *Debates*).

[4] For a good discussion of Antifederalist fears, see Cecilia M. Kenyon, "Men of Little Faith: The Anti-Federalists on the Nature of Representative Government," *William and Mary Quarterly*, XII, Third Series (1955), 3-43; see also Jackson Turner Main, *The Antifederalists: Critics of the Constitution, 1781-1788* (Chapel Hill, N.C., 1961), chaps. VI, VII.

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British trade restrictions. Moreover, it promised to bolster national pride and to enable the United States to take a dignified place among the countries of the world. These were winning issues.

The 85 articles which make up *The Federalist Papers* reveal how the Constitution was presented.[5] Of the first 36 articles, 25 concerned the lack of national security. These 25 anticipated all the major arguments used during the campaign. The subject of military weakness was discussed in Numbers 3, 4, 14, 23-31, 34, and 36; the possibility of a dissolution of the Union and foreign intervention in Numbers 5-8 and 18-20; commercial distress and the need for congressional power to retaliate against foreign trade restrictions in Numbers 11-12, 22, and 23; national honor in Number 15; and treaty enforcement in Number 22. Nearly every argument sprang from the possibility of a foreign threat. Characteristic of these arguments was Madison's statement denying the Antifederalist claim that republican government could not be extended to the outlying areas of a country as large as the United States. Border communities, he pointed out, would be the first to benefit from a closer union because they would receive increased military support. He deplored the lack of protection for settlers on the frontier and condemned continued British occupation of the frontier posts, attributing these to two basic conditions, the lack of an adequate army and the depressed state of the treasury.[6] He cleverly replied to Antifederalist critics who feared that too

[5] *The Federalist* not only appeared in the most widely circulated newspapers, but was a chief source of reference in the Virginia and New York ratifying conventions and was more widely read than any other tract of the controversy. *Federalist Papers*, viii, xi; Frank Monaghan, *John Jay* (New York, 1935), 291. *The Federalist's* influence is also reflected in such letters as Richard Stuart to James Madison, Jan. 4, 1788; George Nicholas to James Madison, Apr. 5, 1788, Madison Papers, Library of Congress, Washington, D.C., Series I, Vol. VIII. Apparently, the series of articles was widely circulated in individual correspondence among Federalists. George Washington forwarded available issues of *The Federalist* to Richmond for publication, and the secretary of Congress, Charles Thomson, sent a copy of it to James McHenry, who exerted great influence on behalf of the Constitution throughout the Maryland ratifying convention; Washington to Madison, Dec. 7, 1787, John Clement Fitzpatrick, ed., *The Writings of George Washington from the Original Manuscript Sources, 1745-1799* (Washington, D.C., 1931-44), XXIX, 331 (hereafter, *Writings of Washington)*; Thomson to McHenry, Apr. 19, 1788, Edmund Cody Burnett, ed., *Letters of Members of the Continental Congress*, (Washington, D.C., 1921-1936), VIII, 721-22 (hereafter, *Letters)*.

[6] *Federalist Papers*, No. 14, p. 103.

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strong a central government might undermine states' rights by pointing out that since the national government was intended primarily for the purpose of defense, its operations would be "most extensive and important in times of war and danger; those of the state government in times of peace and security." Therefore, if the Antifederalists proved correct in their prediction that war would not occur, the state governments would continue to hold sway. Indeed, the more power given to the national government to cope with a potential state of war, the less likely would be a state of war in which such power would be exercised.[7]

Hamilton, too, made much of this theme. He justified direct and unlimited taxation as a wartime necessity for obtaining foreign credit and a steady revenue; he affirmed that the government should not be disarmed "of a single weapon, which in any possible contingency might be usefully employed for the general defense and security."[8] In the same vein he asked, "Is public credit an indispensable resource in time of public danger?" America has very little. "Is respectability in the eyes of foreign powers a safeguard against foreign encroachments? . . . Our ambassadors abroad are the mere pageants of mimic sovereignty."[9]

The remainder of *The Federalist* was far more concerned with procedural clauses in the Constitution than with the underlying reasons for constitutional reform. Yet even here the subject of foreign relations was frequently injected.[10] Madison, defending the long House and Senate terms against those who desired a higher rate of turnover in public office, pointed out the problems of a high rate of change in government personnel:

> It forfeits the respect and confidence of other nations, and all the advantages connected with national character. An individual who is observed to be inconstant to his plans, or perhaps to carry on his affairs without any plan at all, is marked at once by all prudent people as a speedy victim to his own unsteadiness and folly. . . .[11]

John Jay referred especially to senators when he remarked that their diplomatic duties would demand that they take the time to

[7] *Ibid.*, No. 45, p. 293.
[8] *Ibid.*, No. 36, p. 223.
[9] *Ibid.*, No. 15, p. 107.
[10] *Ibid.*, Nos. 42, 53, 62-64, 75.
[11] *Ibid.*, No. 62, pp. 380-81.

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acquire "exact information . . . to become perfectly acquainted with our national concerns, and to form and introduce a system for the management of them."[12] This point received additional clarification later in the New York ratifying convention when Robert R. Livingston defended lengthy terms for senators as essential for acquiring the experience necessary for the conduct of foreign affairs.[13]

The House term was also defended in a context of foreign relations. Federalists maintained that congressmen as well as senators would need a knowledge of foreign affairs because the regulation of commerce required an understanding of treaties and of the trade regulations of other nations. Newly elected congressmen would need sufficient time in office to acquire it.[14]

Any discussion of *The Federalist* in the context of foreign affairs would be incomplete without mentioning John Jay who, as Secretary for Foreign Affairs, was at the time the best known of its three authors. Jay had taken an important part in the peace negotiations, and his prestige was said to exceed the combined fame of his younger colleagues, Madison and Hamilton.[15] Because he was ill, Jay contributed only five articles to *The Federalist*. Yet, after an introductory article by Hamilton, it was Jay who actually launched the series, and his articles set the tone for the

[12] *Ibid.*, No. 64, p. 392.

[13] Alexander Hamilton supported Livingston on this issue, and James Iredell said the same thing in the North Carolina convention; *Debates*, II, 291, 302, 306; IV, 41.

[14] *Federalist Papers*, No. 53, p. 334. This argument came up again in the Massachusetts convention when Cabot of Beverly argued that the House would have to be specially qualified in its spending capacity to decide on the advisability of raising funds to support a war or implement a treaty; *Debates*, II, 25. John Dickinson wrote that the two houses of Congress would be "not only legislative bodies but also diplomatic bodies," requiring a "competent knowledge of foreign affairs relative to the states"; Dickinson, *The Letters of Fabius on the Federal Constitution*, No. 2, Paul Leicester Ford, ed., *Pamphlets on the Constitution of the United States, Published During its Discussion by the People, 1787-1788* (Brooklyn, 1888), 170 (hereafter, *Pamphlets*).

[15] Indicative of Jay's great popularity was the fact that out of a total of 2,833 votes cast in New York City for delegates to the state ratifying convention, he received 2,735 while Governor Clinton polled only 134; John Jay, *Second Letter on Dawson's Introduction to the Federalist* (New York, 1864), 26; Monaghan, 294. Jay assumed a prominent role at the state convention, being chosen by the Federalists to move the adoption of the Constitution and to draft New York's circular letter to the other states; Jay, *Second Letter*, 48.

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rest of the series by emphasizing the foreign threat.[16]

In addition to his contribution to *The Federalist*, Jay published *An Address to the People of New York on the Subject of the Constitution*, which appeared in April 1788. An extremely popular and influential tract, it characteristically placed heavy emphasis on foreign affairs.[17] Congress could declare war, he pointed out, but could not raise men or money to wage it; it could make peace but could not enforce it; it could make commercial treaties but could not execute them. The result was:

> Our fur trade is gone to Canada and British garrisons keep the keys of it. Our shipyards have almost ceased to disturb the repose of the neighborhood by the noise of the axe and hammer; and while foreign flags fly triumphantly above our highest houses, the American stars seldom do more than shed a few feeble rays about the humble masts of river sloops and coasting schooners. The greater part of our hardy seamen are plowing the ocean in foreign pay; and not a few of our ingenious shipwrights are now building vessels on alien shores. Although our increasing agriculture and industry extend and multiply our productions, yet they constantly diminish in value; and although we permit all nations to fill our country with their merchandises, yet their best markets are shut against us.[18]

The convention which met to resolve these problems, continued Jay, drafted a plan which was the best possible under the circumstances. Should a future convention fail to agree on a plan—and the likelihood of this would increase as time passed and factions grew stronger—"then every state would be a little nation, jealous of its neighbors, and anxious to strengthen itself by foreign alliances against its former friends." New York State would be threatened by Connecticut and New Jersey, her great harbor im-

[16] *Federalist Papers*, Nos. 2-5, p. 64.

[17] Monaghan, 292. Washington recommended it for its "good sense, for able observations, temper and moderation." According to S. B. Webb, the pamphlet "had a most astonishing influence in converting anti-federalism to a knowledge and belief that the new constitution was their only political salvation"; and Noah Webster felt that it contained "a brief recapitulation of the most striking arguments in favor of adopting the Federal Constitution"; quoted in *Pamphlets*, 67. E. W. Spaulding agreed that the *Address* was one of the most influential of all Federalist works; Spaulding, *New York in the Critical Period, 1783-1789* (New York, 1932), 8.

[18] Jay, *Address*, in *Pamphlets*, 73.

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periled, and the people of Long Island exposed.[19]

While Madison, Hamilton, and Jay were making their case for ratification in New York, other writers were presenting similar arguments elsewhere. Noah Webster's *Examination into the Leading Principles of the Federal Constitution* was not so much a defense of the Constitution as a rebuttal of specific criticisms. Nevertheless, mention was made of the foreign debt problem and the danger of foreign invasion. Alexander Hanson's *Remarks on the Proposed Plan of a Federal Government,* though mostly a defense of specific constitutional clauses, touched on the issue of war and national honor. In Pennsylvania, Tench Coxe applauded the new Constitution because of its safeguards against subversion and external attack. And John Dickinson's *Letters of Fabius on the Federal Constitution,* although mostly philosophical in tone, ended with a consideration of foreign hostility.[20]

From the South, also, came familiar arguments. Edmund Randolph's *Letter on the Federal Convention* concentrated almost entirely on the advantages of the new Constitution in the area of foreign relations. Randolph argued that war and defeat would be inevitable under the Articles. James Iredell, in answer to George Mason's objections, published a pamphlet on national honor and the threat of European and Indian attack. And David Ramsay, noted historian and politician, in his *Address to the Freemen of South Carolina on the Federal Constitution,* concerned himself mostly with the issue of defense against foreign aggression.[21]

I

Of the various issues related to foreign affairs, one in particular

[19] *Ibid.,* 81-84.

[20] Webster, *Examination;* Hanson, *Remarks;* Coxe, *An Examination of the Constitution for the United States of America;* Dickinson, *Letters,* Nos. 5, 9, *ibid.,* 29-61, 133-50, 188, 192-93, 215, 244-51.

[21] Randolph, *Letter;* Iredell, *Observations;* Ramsay, *Address,* in *ibid.,* 262-70, 365-70, 373-80. The heavy emphasis which the Federalists placed on the issues of national security, national honor, and foreign commerce is illustrated also in Oliver Ellsworth, *Landholder Letters;* Hugh Williamson, *Remarks on the New Plan of Government;* and Charles Pinckney, *Letter of a Steady and Open Republican,* in Paul Leicester Ford, ed., *Essays on the Constitution of the United States, Published During Its Discussion by the People, 1787-1788* (Brooklyn, 1892), (hereafter, *Essays).*

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served the Federalists well: the military weakness and insecurity of the Confederation government. A letter from Henry Knox to George Washington reveals party strategy:

> As a war between France and England seems inevitable and a general war in Europe probable, the result may be highly beneficial to this country. . . . The war will impress on the fears of the people of the United States the necessity of a general government to defend them against the insults and invasions of the Europeans. . . . This subject being forcibly impressed on the public mind will have its full effect unless we are devoted to destruction.[22]

Other Federalists followed Knox's reasoning. The *New York Journal,* for example, argued:

> Wars have been, and, we must suppose, will continue to be frequent. A war has generally happened among the European nations as often as once in twelve or fifteen years, for a century past; and for more than one third of this period, the English, French and Spaniards have been in a state of war. The territories of two of these nations border upon our country. England is at heart inimical to us; Spain is jealous. . . . It would be no strange thing if within ten years the injustice of England or Spain should force us into a war; it would be strange, if it should not within fifteen or twenty years.[23]

Many theories were advanced to explain how the next war would come. The foreign debt was considered by some as a likely source of conflict. Foreign creditors would not be patient indefinitely while America continued to renege on its fiscal responsibilities; sooner or later they would seek revenge by attacking American commerce. British presence in the frontier posts was also cited as a powder keg to watch.[24]

Pelatiah Webster warned that the United States would become embroiled abroad unless some federal authority was established

[22] Henry Knox to Washington, Dec. 11, 1787, Washington Papers, Library of Congress, Series IV, Vol. CCXXXIX. This strategy would seem all the more likely in light of Forrest McDonald's observation that Federalists drew much of their support from the ranks of soldiers and officers who had fought in the Revolution; McDonald, "The Anti-Federalists, 1781-1789," *Wisconsin Magazine of History,* XLVI (1963), 207-09.

[23] *New York Journal,* Mar. 29, 1787.

[24] Jay, *Address,* in *Pamphlets,* 83; James Bowdoin, in Massachusetts, *Debates,* II, 82; Alexander Hamilton, "Speech before the New York Assembly," Mar. 28, 1787, Harold Coffin Syrett, ed., *Papers of Alexander Hamilton* (New York, 1961), IV, 134-35.

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"to punish any individual or state, who shall violate our treaties with foreign nations, insult their dignity or abuse their citizens, and compel due reparation in all such cases."[25] This was a common theme. William Davie echoed it in the North Carolina convention, recounting how Rhode Island, by refusing to hand over to Dutch authorities, a thief who had stolen a Dutch vessel, "might have involved the whole Union in a war."[26] But the great champion of this point of view was Edmund Randolph who insistently urged the need for some agency which would prevent war by enforcing the Law of Nations upon recalcitrant states. In a letter to the Virginia House of Delegates, he wrote:

> If we examine the Constitution and laws of the several states, it is immediately discovered that the law of nations is unprovided with sanctions in many cases which deeply affect public dignity and public justice. The letter, however, of the Confederation does not permit congress to remedy these defects. . . . Is it not a political phenomenon that the head of the Confederacy should be doomed to be plunged into war from its wretched impotency to check offenses against this law; and sentenced to witness in unavailing anguish the infraction of their engagements to foreign sovereigns?[27]

Once Federalists could demonstrate the likelihood of war, the next step was to show that the Confederation government would be unable to cope with it. James Madison in the Virginia ratifying convention pointed to the inadequacy of the Confederation during the late war and to Washington's postwar recommendations for a stronger central government. He argued that the state militias were no substitute for a federal army.[28] Under the old requisition system one section of the country, feeling less threatened than another, might be unwilling to pay its share of the cost of defense. There would be problems of partial payments, discipline, and federal finance should the usual state revenue from import duties dry up during hostilities.[29] Edmund Randolph warned that mili-

[25] P. Webster, *The Weakness of Brutus Exposed, or Some Remarks in Vindication of the Constitution Proposed by the Late Federal Convention against the Objections and Gloomy Fears of the Writer Humbly Offered to the Public*, Nov. 4, 1787, in *Pamphlets*, 121.

[26] *Debates*, IV, 19.

[27] Randolph, *Letter*, in *Pamphlets*, 262-63.

[28] *Debates*, III, 133, 90.

[29] *Ibid.*, III, 90-95, 248-49, 253. Similar remarks were made by John Marshall, Edmund Randolph, and Francis Corbin, *ibid.*, III, 109, 115, 227-29.

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tias would be poorly trained and not as zealous as they had been in 1776. Recalling revolutionary days, he could not forget how the army, on a sudden challenge, marched into war "on the mere recommendation of Congress"; but he wondered if, in the future, the same enthusiasm would prevail. And, if not, "where shall we find protection?" Requisitions would be balked, and any attempt of Congress to coerce a particular state might induce that state to seek foreign support. Thus, "radical new powers must be entrusted to the national government and the Confederation must be altered in its very essence."[30]

When Antifederalists insisted that it would be time enough to organize a defense when war broke out, the reply was that a standing army would be necessary to strike an immediate blow against the enemy.[31] In a sneak attack, the enemy would allow no time for response: "Half a dozen regiments from Canada or New Spain, might lay whole provinces under contribution while we were disputing who has power to pay and raise any army."[32] Was America to wait until she was attacked? She was "circumscribed with enemies from Maine to Georgia." In an emergency, it would take precious time to obtain a representation of the required number of states in Congress, then to go through the process of pleading with the various state legislatures. The very power to lay direct taxes would itself act as a deterrent to invasion.[33]

Certain states were more impressed with the military benefits of the Constitution than others. The Southern states in particular evidenced a strong feeling of insecurity. They were faced with the prospect of full-scale Indian hostilities, and the experience of being conquered and occupied by British armies was still fresh in their memories. Georgia was actually involved in fighting Indians during the ratification campaign, and this no doubt contributed to her rapid and enthusiastic endorsement of the Constitution. Nor can it be doubted that Georgia's struggle influenced South Carolina's decision only a few months later. South Carolinians felt sufficiently threatened to authorize their own General Pickens

[30] Randolph, *Letter*, in *Pamphlets*, 263-67.

[31] *State Gazette of South Carolina*, Jan. 3, 1788.

[32] Ellsworth, *Letters*, No. 5, in *Essays*, 157.

[33] T. Sedgwick, Christopher Gore, and E. Pierce in Massachusetts, *Debates*, II, 61, 66-67, 76.

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to raise a volunteer company for the defense of Georgia.[34] On May 5, 1788, just before South Carolina voted to accept the Constitution, a Charleston newspaper asked its readers: "How long can we be free from Indian cruelties and depredations sometime since begun in Georgia?"[35]

How the security issue was used in South Carolina is illustrated in the appeal made by David Ramsay:

> Our local weakness particularly proves it to be for the advantage of South Carolina to strengthen the federal government; for we are inadequate to secure ourselves from more powerful neighbors. . . . The Congress are authorized to provide and maintain a navy—our coast in its whole extent needs the protection thereof. . . . If this state is to be invaded by a maritime force, to whom can we apply for immediate aid? To Virginia and North Carolina? Before they can march by land to our assistance, the country may be overrun. The Eastern states, abounding in men and in ships, can sooner relieve us than our next door neighbors.[36]

If the foreign debt were not paid off, he warned, the Southern states would be the losers, for Southern exports, because they were the most valuable, would be the first to be captured in a war, and raids would be made on defenseless Southern coasts.

Charles Cotesworth Pinckney pleaded with the delegates to the South Carolina ratifying convention to allow Northern merchants a virtual monopoly of Southern commerce under the new Constitution in order to be assured of their naval support in case of attack. Hoping to soften the attitude of his fellow planters toward the New England manufacturing and commercial classes, he pointed out that because of the late war and the present state of commerce,

> they have lost everything but their country and freedom. It is notorious that some ports to the eastward which used to fit out one hundred and fifty sail of vessels do not now fit out thirty; that their trade of shipbuilding which used to be very considerable is now annihilated; that their fisheries are trifling, and their mariners in want of bread. Surely . . . we should let them in some measure,

[34] Savannah *Gazette of the State of Georgia*, Oct. 11, 1787.
[35] *State Gazette of South Carolina*, May 5, 1788.
[36] Ramsay, *Address*, in *Pamphlets*, 373-77.

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partake of our prosperity.[37]

Pinckney was reminding his audience that Northern distress was in part the result of aiding the South during the war and that such aid might well be needed in the future.

In both North Carolina and Virginia, other Federalists echoed Pinckney. Iredell and Randolph, for example, emphasized the danger of foreign invasion and Indian attacks and the possibility of a slave uprising.[38]

The people of New England felt more secure than the Southerners. Though several coastal towns had been shelled and burned during the war, there had been no fighting on New England soil after the troops of George III had fled from Boston on St. Patrick's Day 1776. That New Englanders felt relatively strong and secure, however, did not deter Federalists from making use of the security issue. They called attention to the fact that New Hampshire, like Georgia, lay adjacent to enemy territory. A few regiments of Canadian troops could march through New Hampshire and put down all resistance along the way. Troops from other states would have to come to the rescue. But if New Hampshire refused to ratify, such out-of-state aid might be withheld.[39] Even though Massachusetts of all the states was the strongest militarily, Fisher Ames still argued along familiar lines in the state convention. Judge Francis Dana was certain that Nova Scotia and New Brunswick were full of Tories and refugees standing "ready to attack and devour these states, one by one."[40] Speaker after speaker urged that Congress be given the power to raise an army.[41]

In the Connecticut convention, national defense was cited as

[37] *Debates*, IV, 284-85. Charles Pinckney, not to be confused with his distant cousin, Charles Cotesworth Pinckney, argued the same way in the South Carolina convention (although he had spoken differently in Philadelphia); see *ibid.*, IV, 331, and Max Farrand, ed., *The Records of the Federal Convention of 1787* (New Haven, 1911), II, 449.

[38] Iredell in North Carolina, *Debates*, IV, 96. William Davie also concentrated heavily on the weakness of his state in case of attack; *ibid.*, IV, 17-19. Randolph in Virginia, *ibid.*, III, 72-73. For similar remarks by Randolph, Madison, Corbin, and Marshall, see *ibid.*, III, 76, 90-91, 95, 109, 112, 115-18, 226-27, 229, 231, 248-49.

[39] Ellsworth, *Letters*, No. 10, in *Essays*, 190-91.

[40] *Debates*, II, 43.

[41] See the remarks of William Phillips, *ibid.*, II, 158.

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the most compelling reason for ratification. Oliver Ellsworth, referring to the geographical encirclement of America by foreign nations, pointed to the earlier encirclement of the Hebrew people and the infant Roman state, both of which had been conquered by inferior forces because of their lack of unity. He then appealed to Yankee thrift by reminding the delegates that the larger the nation, the less the cost of defense per person. England's burden of taxes, for example, was only about one-half that of the Netherlands.[42]

New York Federalists could capitalize on a past history of war, Indian raids, and occupation by British troops. New York was the one area that Washington had tried to hold at all costs but failed. Robert R. Livingston gave a detailed analysis of New York's exposure to attack in the state convention. He pointed out that Long Island and Staten Island were indefensible. New York was threatened on the west by hostile Indians, on the east by a potentially hostile Vermont, and it lay open to sudden attack from British-held posts, five of which were within the state's borders.[43] The Hudson River was an avenue of attack which would make New York the probable "theatre of operations" in wartime.[44] James Duane strongly resented the British troops which remained on New York soil and considered this "the highest insult to our sovereignty"; their presence created an immediate need for military power.[45]

Yet after all was said that could be said by the Federalists on the lack of preparation for another war, there were still those who remained unconvinced either because they did not believe another war likely or because they believed the existing system of defense adequate. For these, the Federalists modified their line of argument; they recommended a strong defense on the grounds that discouraging foreign powers from attacking the United States would prevent bloodshed. Weakness would invite attack.[46] Madison told the delegates to the Virginia ratifying convention that "the best way to avoid danger is to be in a capacity to withstand

[42] Ellsworth in Connecticut, *ibid.*, II, 185-86.

[43] *Ibid.*, II, 212. The vulnerability of New York and Long Island was also stressed in *The Federalist*, Nos. 25 and 41.

[44] Hamilton in Massachusetts, *Debates*, II, 232.

[45] *Ibid.*, II, 379.

[46] Hanson, *Remarks*, in *Pamphlets*, 244-45.

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it." But, he asked, what would be the position of the United States as a neutral carrier believing in the principle of freedom of the seas if war broke out, as was most likely, between France and England?—"A neutral nation ought to be respectable or else it will be insulted and attacked."[47] Benjamin Rush of Philadelphia had the Quakers of his city in mind when he wrote that the new government would mean, among other things, "the prevention of war."[48] James Wilson, a neighbor of Rush in Philadelphia, made a similar appeal when he quoted the celebrated French statesman Necker to the effect that America was young, pure, and felicitous and should remain so by shunning involvement in European conflicts. "An efficient government," said Wilson, "will not hurry us into war; it is calculated to guard against it."[49]

For those New Englanders who saw no need for additional military resources, the Federalists had another argument. Yankee soldiers who had fought to liberate the Southern colonies during the Revolution and had borne a disproportionate burden of the war's cost would feel obligated in their own interest to do the same in any future invasion of the South. Therefore, even if they themselves were not in need of military assistance, would it not be in their interest to support a national army which would tap each state for a proportional number of troops? Had not Massachusetts and New Hampshire furnished half the Continental Army for the first two or three years of the war? Had not the Bay State in particular borne "an unequal burden" and "never been fairly compensated?"[50]

Federalists often ignored the subject of national defense alto-

[47] Gaillard Hunt, ed., *The Writings of James Madison* (New York, 1904), V, 150-51, 169. In the *Federalist*, No. 41, Madison had also stressed the idea that Virginia and Maryland could easily be attacked from the sea. For the same theme, see the *New York Journal*, Mar. 29, 1787; Pelatiah Webster, *Remarks on the Address of Sixteen Members of the Assembly of Pennsylvania to Their Constituents, Dated September 29, 1787*, in John Bach McMaster and Frederick Dawson Stone, eds., *Pennsylvania and the Federal Constitution* (Lancaster, Pa., 1888), 101; Richmond *Virginia Independent Chronicle*, June 13, 1787.

[48] *State Gazette of South Carolina*, Dec. 24, 1787.

[49] Wilson in Pennsylvania, *Debates*, II, 528.

[50] James Varnum and Reverend Mr. Thatcher in Massachusetts, *ibid*, II, 78, 142. Ellsworth also pointed this out in the Connecticut convention; *ibid*, II, 188.

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gether and justified closer political ties because the Union was threatened with dissolution by outside forces. The residents of New Hampshire were warned that "your British neighbors . . . will not fail by their emmissaries to seminate such jealousies as favor their own designs."[51] Charles Pinckney maintained that George III had spies in every state and was hoping to separate the Southern states from the Confederacy and see them revert to his control.[52] And one newspaper, proclaiming that "every part of this federal empire was gained by the sword, by distress, and slaughter," asked, "What American can without horror, indignation and grief reflect that a fatal disunion may basely throw under foreign domination, the plains of Saratoga, Yorktown, or the Cowpens."[53] This argument appeared in pamphlets by Alexander Hanson and Edmund Randolph; it was used by John Jay. In the Virginia ratifying convention, it was used extensively by Madison and in the Massachusetts convention by the Reverend Mr. Thatcher.[54]

Federalists purported to know of various foreign plots which would succeed if the Constitution were not adopted. Britain and Morocco were said to have agreed to partition America and appoint such Tories and expatriates as Silas Deane, Joseph Galloway, and Benedict Arnold to the office of state governor.[55] The Anti-federalists were furious at such tactics and tried to counteract them by printing Federalist-style propaganda so exaggerated as to be ludicrous. One pamphlet of this type described an Algerine spy who was prepared to offer Algerian support to both the Shaysites and Rhode Island if a dissolution of the Union could be effected. He would provide Rhode Island with a large sum of money accompanied by "one hundred thousand spahis and janizaries." And "in return for protection, Rhode Island would be permitted to pay their tribute to the Sultan in a certain number

[51] Ellsworth, *Letters*, No. 10, in *Essays*, 191.

[52] Charles Pinckney, *Letter*, in *ibid.*, 411-12. This charge also appeared in the *State Gazette of South Carolina*, May 5, 1788.

[53] *Trenton [N.J.] Mercury and Weekly Advertiser*, Sept. 25, 1787.

[54] Jay, *Address*, in *Pamphlets*, 82. Hanson, *Remarks;* Randolph, *Letter*, in *ibid.*, 248, 268-70. *Debates*, III, 79, 90-91, 129-30; II, 144, 146. The same theme was used in the New York convention; *ibid.*, II, 219.

[55] *Independent Gazetteer*, Sept. 20, 1787, quoted in McMaster and Stone, 122.

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of virgins."[56] The Antifederalists accused the Federalists of deceiving the people into believing that opposition to the Constitution arose chiefly "from foreigners and foreign agents," of filling the papers "with ludicrous pieces under the signatures of 'Britons,' 'Gauls,' 'Spaniards,' and even 'Turks' "; whereas, in reality, foreign agents were in favor of the Constitution and "bellowing forth its praises."[57]

Both Federalist and Antifederalist charges were exaggerated. Foreign agents were not uniformly in favor of the Constitution, nor did they engage in the types of plot suggested by Federalist writers. But both friends and enemies of the Constitution tried to exploit the popular fear of subversion by identifying their adversaries with foreign influence. Antifederalists, labeled "the secret abettors of the interests of Great Britain," were said to be anxious for a return to prewar conditions. Twenty irreconcilables in the Massachusetts ratifying convention were accused of being British sympathizers because they had fought under Daniel Shays.[58] According to Oliver Ellsworth:

> The first to oppose a federal government will be the old friends of Great Britain who in their hearts cursed the prosperity of your arms and have ever since delighted in the perplexity of your councils. Many of these men are still with us and their hopes of a reunion with Britain have been high.[59]

On the other hand, the Federalists were said to be rich, haughty, and aristocratic, contemptuous of the common man and conspiring

[56] Peter Markoe, *The Algerine Spy in Pennsylvania: or Letters Written by a Native of Algiers on the Affairs of the United States of America, from the Close of the Year 1783 to the Meeting of the Convention* (Philadelphia, 1787), 105, 114-15.

[57] *Independent Gazetteer*, Oct. 15, 1787, quoted in McMaster and Stone, 163-64.

[58] *State Gazette of South Carolina*, Mar. 31, 1783; *Independent Gazetteer*, Sept. 20, 1787, quoted in McMaster and Stone, 121. It is interesting in this connection that many individuals, including Washington and Madison, regarded Shays' Rebellion as the work of British spies and sympathizers; see Boston *Massachusetts Centinel*, Apr. 2, May 21, 1785, for background; Trenton *New Jersey Gazette*, Oct. 9, 1786; *New York Journal*, Sept. 28, 1786; Philadelphia *Pennsylvania Gazette*, Sept. 27, Dec. 20, 1786; Washington to David Humphreys, Dec. 26, 1786, *Writings of Washington*, XXIX, 126; Madison to Edmund Pendleton, Jan. 9, 1787, *Writings of Madison*, II, 307.

[59] Ellsworth, *Letters*, No. 2, in *Essays*, 143; Isaac Lee to William Lee, July 18, 1785, Perkins Papers, William L. Clements Library, Ann Arbor, Mich.

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with George III to destroy American liberty.[60]

II

In commercial centers such as Boston, New York, and Philadelphia, there was no doubt about the benefits of congressional regulation of commerce. Native fishermen, shipowners, shipbuilders, and a variety of craftsmen could be easily won over with the promise that a new constitution would help to revive the shipbuilding industry.[61] It was no coincidence that the principal theme of Federalist orators in the Massachusetts ratifying convention was American shipping.[62] It was pointed out, also, that manufacturers would benefit from national control of commerce by the passage of federal tariff legislation.[63]

In less commercial areas, where foreign trade was not as important, Federalists still went to great lengths to demonstrate that everyone had reason for concern. William Davie reminded the farmers and wealthy planters of North Carolina that commerce was "the nurse" of agriculture, and Madison reminded his fellow Virginians that the two were interdependent.[64] If the Constitution were adopted, wheat farmers would be able to ship their surplus produce to the British West Indies, and cheese and barley exports would increase. In general, farmers would escape from too heavy a tax burden since most revenue would come from import duties rather than land taxes.[65] Alexander Hamilton, appealing to a variety of groups including not only "the assiduous merchant," but also "the laborious husbandman, the active mechanic, and the industrious manufacturer," directed himself es-

[60] James Winthrop, *The Letters of Agrippa*, No. 11, in *Essays*, 89; *Independent Gazetteer*, Oct. 15, 1787, quoted in McMaster and Stone, 164.

[61] *Independent Gazetteer*, Sept. 20, 1787, quoted in McMaster and Stone, 121-22; *Charleston City Gazette*, Jan. 9, 1788.

[62] Thomas Dawes, J. Choate, James Bowdoin, and Thomas Russell in Massachusetts, *Debates*, II, 58-59, 79, 129-30, 139.

[63] Thomas Dawes in Massachusetts, *Debates*, II, 58-59; Jay, *Address*, in *Pamphlets*, 73. *Virginia Independent Chronicle*, June 13, Aug. 1, Dec. 5, 1787; June 2, 1788.

[64] *Ibid.*, III, 345; IV, 20.

[65] *Independent Gazetteer*, Sept. 20, 1787, quoted in McMaster and Stone, 121-23; *Pennsylvania Gazette*, Nov. 14, 1787; Bowdoin in Massachusetts, *Debates*, II, 130; *Federalist Papers*, No. 12, p. 92.

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pecially to farmers when he argued that revenue from duties on commercial imports would render unnecessary all taxes on land. Land values would increase, agricultural produce would have a "free vent," and the supply of circulating specie would be more plentiful.[66]

In the South, where people were less interested in commerce and feared a Northern monopoly of the carrying trade, Federalists appealed to the popular hatred of Great Britain and the strong sense of national honor. St. George Tucker pointed to the folly of depending on the merchants, ships, and manufactures of "our natural enemy," the British.[67] Others argued that exclusion must be met by exclusion—foreign discrimination should be counteracted by appropriate retaliatory legislation in Congress.[68] In South Carolina David Ramsay insisted that "we certainly ought to have a navigation act, and we assuredly ought to give a preference though not a monopoly to our own shipping."[69] In the Virginia convention, Henry Lee and Edmund Randolph traced all evils to the stagnation of American foreign commerce and urged national measures to bring about a policy of reciprocity on the part of Great Britain.[70]

Such arguments were unanswerable because no one could deny that the commerce clause in the Constitution could be used to apply pressure on Great Britain. Even Patrick Henry, who minimized nearly every other Federalist argument, tacitly admitted that the new government would be a boon to commerce. James Monroe, who opposed the Constitution because it granted Congress direct taxing power, felt that the power to regulate commerce

[66] *Federalist Papers*, No. 12, p. 92. Typical of the broad Federalist appeal on the commercial issue was an article in the *Pennsylvania Packet* on Nov. 15, 1787, which predicted that the Constitution would encourage commerce, agriculture, manufactures, and immigration. Due to a labor shortage, immigrants were in great demand, and the new Constitution was viewed as a likely inducement to them because of its liberal voting and office-holding provisions.

[67] Tucker, *Reflections on the Policy and Necessity of Encouraging the Commerce of the Citizens of the United States . . .* (Richmond and New York, 1786), 4-6.

[68] Edmund Randolph's letter to the speaker of the Virginia House of Delegates, *Debates*, I, 484; William Davie in North Carolina, *ibid.*, IV, 18.

[69] Ramsay, *Address*, in *Pamphlets*, 376-77.

[70] *Debates*, I, 484; III, 43, 78.

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should be a prerequisite for any "proper federal government." George Bryan of Pennsylvania, an Antifederalist, did not try to deny the commercial advantages of the Constitution. Nor did Samuel Adams have any doubts on this issue, although his support for the new government was less than total at first.[71]

The issues of commercial distress and national security were alike in many ways. Both appealed to the prevalent spirit of anglophobia: Britain must be compelled to drop its discrimination against American ships and British troops must evacuate American soil. Both depended in some measure upon granting Congress the power to fulfill its treaty commitments: Britain could not be deprived of its excuse for occupying the posts unless Congress enabled British merchants to collect the prewar debts owed them by Americans,[72] nor could the English be persuaded to negotiate a commercial treaty until Congress acquired the power to negotiate for all the states.[73] Finally, both issues appealed to a wide cross section of economic and geographic groups.

III

A comparison of Federalist and Antifederalist literature reveals that the Antifederalists rarely discussed foreign affairs. Richard Henry Lee's celebrated *Letters of a Federal Farmer* mentions the issue only once to assert that there was "no danger of invasions."[74] George Mason did not write a word on the subject in his *Objections to the Proposed Federal Constitution.* Patrick Henry in the Virginia ratifying convention, carefully separated domestic concerns from foreign pressures and addressed himself to the former. And Elbridge Gerry, in *Observations on the New Constitution,*

[71] *Ibid.*, II, 124. For evidence of Antifederalist recognition of Federalist arguments with regard to foreign commerce, see *ibid.*, III, 137-76, 214.

[72] For this argument, see Ellsworth in Connecticut, Livingston in New York, Wilson in Pennsylvania, Corbin and Nicholas in Virginia, *Debates*, II, 189, 213, 489-90; III, 104-05, 238-39; also the *Pennsylvania Packet*, which assured its readers on Nov. 23, 1787, that "in all probability the first good consequence arising from a firm and respectable government will be the relinquishment of the western posts."

[73] For examples of this argument, see Madison in Virginia, *Debates*, III, 135-36; Williamson, *Remarks*, in *Essays*, 402.

[74] Lee, *Letters*, No. 1, in *Pamphlets*, 281.

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flatly denied the danger of foreign conquest, focusing nearly all his attention on the danger of aristocratic tyranny.[75]

When Antifederalists did turn to the subject of foreign affairs, they nearly always accepted Federalist arguments but questioned whether the good which would result from a stronger position in foreign affairs would outweigh the risks of central power, whether they should "swallow a large bone for the sake of a little meat."[76] The one related issue which Antifederalists did stress, particularly in the South, was the federal power to make treaties. They argued that the rule requiring approval of treaties by two-thirds of the Senate would not protect those who had an interest in the navigation of the Mississippi River. The North would gain the ascendancy over the South and would naturally favor its own commercial interests. Rather than aiding in the development of western lands, Northerners would consider further development a threat to their already scarce labor supply, and would try to halt westward migration and keep the West dependent upon the East. They might also use their political power to conclude prejudicial treaties with the Indians. In the Virginia convention, Patrick Henry, William Grayson, and others laid great emphasis on these issues in an effort to woo the delegates from Kentucky. Throughout the first half of the convention, they returned repeatedly to "their favorite business" which, according to one delegate, was the "scuffle for Kentucky votes."[77] Yet their case was not, perhaps, as compelling as it might have been, since many Southern leaders such as Richard Henry Lee and George Washington had sided with John Jay in his negotiations with Gardoqui.[78] Others argued, moreover, that only a stronger federal government could

[75] Mason, *Objections*, in *Pamphlets*, 329-32; Gerry, *Observations*, in *ibid.*, 3-23.

[76] General Thompson in Massachusetts, *Debates*, II, 80-81.

[77] Nicholas in Virginia, *ibid.*, III, 502.

[78] Washington to Richard Henry Lee, July 26, 1786, *Writings of Washington*, XXVIII, 484-85; Richard Henry Lee to Washington, July 15, 1787, James Curtis Ballagh, ed., *The Letters of Richard Henry Lee* (New York, 1914), II, 426. They doubted that the United States could defend its right of navigation in view of Spain's superior military power. They also recognized the large economic benefit to be derived from increased trade with Spain. Finally, they hoped to keep the West dependent upon the East and to strengthen the bonds of union by extending river navigation inland and by building roads to link both sections of the country.

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protect American rights.[79]

Only on rare occasions did the friends and enemies of the Constitution confront each other's arguments directly. Melancthon Smith, leader of the Antifederalists in the New York ratifying convention, attempted to refute every one of Jay's arguments point by point. He denied the benefit of commercial treaties with foreign nations and maintained strongly that no foreign nation threatened the United States.[80] One of the cleverest and most remarkable of all Antifederalist writers was James Winthrop, librarian at Harvard University and descendant of the first John Winthrop. He is one of the few Antifederalists who made good use of his enemy's weapon, turning the issue of foreign relations to his own advantage, by associating Federalists with foreigners. He accused them of favoring monarchy, and suggested that "some of their leaders . . . have formed pretty strong attachments to foreign nations, whether those attachments arose from their being educated under a royal government, from a former unfortunate mistake in politics, or from the agencies for foreigners." He pointed out that, for Federalists as well as monarchists, "power and high life are their idols."[81]

Winthrop echoed the Federalists' concern over the danger of subversion, but what they offered as a cure he argued would be a cause: foreign influence would result under the Constitution from the "multiplication of officers" as well as from the long terms proposed for representatives and senators.[82] The result, as he saw it, could only be American embroilment in European quarrels: "this is the only sense in which the Philadelphia system will render us more respectable in the eyes of foreigners."[83]

He conceded the Federalist argument that foreign commerce must be centrally regulated but claimed that a simple amendment to the Articles would suffice; thus the meat of reform could be eaten without swallowing the bone. He wanted, in addition, a

[79] John Marshall in Virginia, *Debates*, III, 223, 231; Madison to Nicholas, Apr. 8, 1788, Madison Papers, Series I, Vol. IX.

[80] Melancthon Smith, *Address to the People of the State of New York*, in *Pamphlets*, 91-115.

[81] *Agrippa*, No. 11, in *Essays*, 89. Federalist leaders did, in fact, tend to be relatively well-to-do and, as I shall indicate, a disproportionate number were indeed educated "under a royal government."

[82] *Ibid.*, 88.

[83] *Ibid.*, No. 14, p. 104; No. 11, pp. 88-89.

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guarantee that Congress "shall not by treaty or otherwise give a preference to the ports of one state over those of another."[84]

Finally, he made light of the problem of treaty enforcement. The Dutch Confederacy never had any problems even though it had to consult all its states. The Federalists were mistaken, moreover, in believing that British reluctance to sign a commercial treaty was due to distrust. It was due, rather, to resentment. The British would place self-interest above pride once they recognized the desperate situation of Nova Scotia and their West Indian possessions.[85]

Winthrop alone among leading Antifederalists met his antagonists squarely on their own ground, arguing against their favorite issues and attacking their arguments on national security. Significantly, he avoided the military question. But, in a statement of fourteen reservations to the Philadelphia plan and in his advocacy of a simple commerce amendment to the Articles, he set forth a concrete and constructive plan of his own.

IV

One reason there were so few Winthrops among Antifederalists and so many Jays among Federalists was that the discussion of foreign affairs put the Constitution in the best light for most people. Federalists might have given more emphasis to the domestic anxiety aroused by Shays' Rebellion and spoken at greater length on the importance of law and order and the sanctity of private property. Issues such as fiscal responsibility, the rights of creditors, retiring the national debt would have attracted many, but these were divisive since they set poor against rich, debtors

[84] *Ibid.*, No. 10, p. 84. This was his strongest argument, although it could be argued that Congress had tried and failed to obtain such an amendment under the Articles. Federalists also argued that the commerce power was so radical in itself that it would necessitate many other innovations such as a national judiciary and some means of coercion, namely, taxation and an army.

[85] *Ibid.*, No. 11, pp. 89-90. In fact, what the Federalists claimed was the congressional inability to regulate trade provided Britain with an excuse for withholding trade concessions, but that her real motive was twofold: to strengthen her own merchant marine and naval power while injuring that of the United States. Hence congressional power, while eliminating possible distrust, was primarily intended to force British concessions by threat of retaliatory trade restrictions.

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against creditors, West against East. For this reason Federalists wisely avoided them and sought to stress the ways in which the Constitution would benefit all people, concentrating on the issues of national security and commercial distress. Few in any part of the country would deny that external forces threatened the Confederation. Few would disapprove of a stronger national defense. There was little question of the disadvantages of America's commercial position or the need to strengthen the diplomatic bargaining power of Congress.

The Federalists' arguments on the issues related to foreign affairs carried conviction because they were often based on personal experience. Many Federalists were shipowners engaged in transatlantic trade, merchants anxious to penetrate European markets, or farmers who desired greater access to the British West Indies. They understood the advantages of a strong bargaining position in foreign affairs, not only for themselves but for the nation as a whole.[86]

Without exception, the men officially concerned with foreign affairs during this period also supported the Constitution. Robert R. Livingston, secretary for foreign affairs from 1781 to 1782, was a leading Federalist as was his successor, Elias Boudinot. Other supporters were James McClurg, whom Madison nominated as secretary for foreign affairs; Gouverneur Morris, who was deeply involved in diplomatic affairs and who later became American ambassador to France;[87] John Jay, a leading advocate on both the state and national level of constitutional reform, served throughout the postwar Confederation period as secretary for foreign affairs.[88] William Samuel Johnson, who led the Federal-

[86] This is clearly demonstrated in Forrest McDonald, *We the People: The Economic Origins of the Constitution* (Chicago, 1958). Main, 271, found the mercantile class to be the most outstanding and significant of all groups in support of the Constitution.

[87] Morris drafted the *Report on Lord North's Conciliation Offer* (1778), a public paper on the significance of the Franco-American alliance of that year; the instructions for Benjamin Franklin's mission to Paris; and the instructions for obtaining a treaty of peace and commerce with Great Britain (1779). See, David Saville Muzzy, "Gouverneur Morris," *Dictionary of American Biography* (New York, 1959), VII, 210.

[88] For Jay's influence, see Louis Guillaume Otto to Comte de Vergennes, Jan. 10, 1786, in George Bancroft, *History of the Formation of the Constitution of the United States of America* (New York, 1882), I, 479; Monaghan, chap. 13; Samuel Flagg Bemis, "John Jay, Secretary for Foreign Affairs for the Conti-

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ist forces in Connecticut, had once defended his state's right to western lands as a colonial agent before the British House of Commons. Stephen Higginson, who mobilized support for the Constitution in Massachusetts, had testified before a Parliamentary committee on the subject of New England commerce and resources.[89] Other friends of the Constitution with outstanding diplomatic experience were John Adams, Benjamin Franklin, and Thomas Jefferson. All of these men had observed at close range the exigencies of foreign relations.

Men educated abroad might also be expected to have a deepened sense of the importance of foreign affairs. The Federalists who studied in Europe greatly outnumbered their counterparts among Antifederalists. They included Charles Pinckney, Charles Cotesworth Pinckney, Thomas Pinckney, Charles Rutledge, Arthur Lee, Joseph Jones, Hugh Williamson, Richard Dobbs Spaight, Daniel Carroll, Charles Carroll, John Dickinson, and Benjamin Rush (John Hancock received a year of training in London in the business of transatlantic shipping). The only prominent Antifederalists educated abroad were Theodorick Bland, William Grayson, Willie Jones, and Richard Henry Lee; and of these, Grayson opposed the Constitution in part because it was not strong enough in the area of treaty enforcement and Lee advocated a national government which would extend "exclusively to all foreign concerns."[90]

Men of foreign birth and upbringing were also more likely to be Federalists; Alexander Hamilton, James Wilson, Robert Morris, Thomas Fitzsimons, Pierce Butler, George Read, James McHenry, Samuel Johnston, William Davie, James Iredell, and St. George Tucker were Federalist leaders born outside the United States. Almost all Antifederalist notables were native born.[91]

Finally, many Federalist leaders had had experience on the na-

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nental Congress, September 1, 1784 to September 15, 1789," in Bemis, ed., *The American Secretaries of State and their Diplomacy, 1776-1925* (New York, 1927), I, 202.

[89] Higginson played no major role in the ratification controversy, but he did recommend to General Knox a plan for the adoption of the Constitution; James Truslow Adams, "Samuel Higginson," *Dictionary of American Biography*, V, 16.

[90] William Grayson to William Short, Nov. 10, 1787, *Letters*, VIII, 678; Lee, *Letters*, No. 1, in *Pamphlets*, 287.

[91] Exceptions were George Bryan, Aedanus Burke, and Rawlins Lowndes.

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tional level. Many had served during the Revolutionary War either as soldiers or as delegates to Congress.[92] In either capacity they would have been closer to the problems of foreign affairs than officials on the state and local levels.[93] Jefferson remarked to Madison that a term in Congress had an enlightening influence upon local politicians: "They see the affairs of the Confederacy from a high ground; they learn the importance of the Union and befriend federal measures when they return. Those who never come here [to Congress] see our affairs insulated."[94]

My argument assumes, of course, that the issues upon which the Federalists campaigned and won were real rather than merely semantic, an assumption that is, to a degree, supported by what has been said. It is an assumption which has been under fire for at least fifty years from the socio-economic school of interpretation pioneered by scholars such as J. Allen Smith and Charles A. Beard.[95] But it is an assumption which merits renewed emphasis.

To say that foreign affairs was a powerful weapon in the hands of Federalists is not to deny the importance of domestic issues.

[92] Cecilia M. Kenyon described the Antifederalist philosophy as one of localism rather than nationalism. Her ideas were then elaborated on in subsequent articles, including Stanley Elkins and Eric McKitrick, "The Founding Fathers, Young Men of the Revolution," *Political Science Quarterly*, LXXVI (1961), 202-10; John P. Roche, "The Founding Fathers: A Reform Caucus in Action," *American Political Science Review*, LV (1961), 799-816; McDonald, "The Anti-Federalists," 207-09.

[93] Roche, 801. According to Roche, "Congressmen were constantly forced to take the broad view of American prestige, were compelled to listen to frustrated envoys in Britain, France, and Spain. From considerations such as these, a 'continental' ideology developed which seems to have demanded a revision of our domestic institutions primarily on the ground that only by invigorating our general government could we assume our rightful place in the international arena."

[94] Jefferson to Madison, Feb. 20, 1784, in Bancroft, I, 345. Congressional experience in itself was, of course, not enough to assure unreserved support for the nationalist movement. Monroe encountered substantial congressional opposition in 1785 when he sponsored his amendment for congressional regulation of foreign commerce. Madison remarked at the time that even in Congress there were "minds unaccustomed to think nationally, let alone globally," and that these would be least sympathetic to the Monroe plan; Madison to Monroe, Aug. 7, 1785, *Writings of Madison*, II, 160. Nor did all congressmen support the Constitution. Exceptions were Richard Henry Lee, John Francis Mercer, Timothy Bloodworth, and William Grayson.

[95] See Richard B. Morris, "The Confederation Period and the American Historian," *William and Mary Quarterly*, XIII, Third Series (1956), 139-56. This is an excellent summary.

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Without doubt, the desire for internal order and the protection of property motivated the constitutional movement from the beginning. However, because nearly everyone wanted the government strengthened in the area of foreign affairs, this issue provided the Federalists with the basis for a national consensus and with the primary theme of their campaign.

We might add that there was far more consensus on the existence of national ills than on the choice of remedies. For some, the Federalist prescription for a standing army and direct taxation was ominous.[96] There was a general repugnance to the idea that the central government could reach down to regulate life at the local level. Just as in the years prior to the Revolution, many colonists saw the use of British power at the local level as interference, so, now, many objected to the Constitution out of a similar fear that federal power would usurp the authority of local government. Thomas Jefferson wrote hopefully that the purpose of the central power should be "to make us one nation as to foreign concerns, and keep us distinct in domestic ones."[97] A principal task for Federalists, therefore, was to demonstrate that the exigencies of foreign affairs were sufficient to justify the significant and risky increase in national power represented by the Constitution. In this they succeeded.

[96] Main, 72, has written that direct taxation was the most divisive of all the issues.

[97] Jefferson to Madison, Dec. 16, 1787, Julian Parks Boyd, ed., *The Papers of Thomas Jefferson* (Princeton, N. J., 1954), X, 603.

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Book Reviews

Learned Hand's Court *by Marvin Schick. Baltimore, Md., The Johns Hopkins Press, 1970.—xvi, 371 pp. $12.50.*

In an access of modesty Marvin Schick questions in his preface whether, in having tried to employ some techniques familiar to lawyers and some techniques used by political scientists, he has "succeeded to the satisfaction of either" (p. xii). As a lawyer I can confirm his doubts; my guess is that political scientists also will share them. The failure comes not from the mingling of techniques, which in some hands yields interesting results, but from a lack of depth and of editing that would have pruned away the irrelevancies and repetitions by which the book is marred.

Mr. Schick defines Learned Hand's Court as the Court of Appeals for the Second Circuit for the decade 1941-51, when Hand was chief judge and the court was continuously manned by the same sextet.[1] Al-

[1] In addition to Learned Hand, promoted from the District Court for the Southern District of New York in 1924, the judges were Thomas W. Swan, a former dean of the Yale Law School; Augustus N. Hand, also promoted from the Southern District, appointed in 1927; Harrie B. Chase, of Vermont, appointed in 1929; Charles E. Clark, also a former dean of the Yale Law School, appointed in 1939; and Jerome N. Frank, a member of the SEC prior to his appointment in 1941. One could question Mr. Schick's choice of period since four of the sextet had been on the Second Circuit for a dozen or more years before 1941, and Learned Hand's intellectual domination did not depend on his becoming chief judge upon Manton's forced resignation in 1939. After retiring from active service in 1951, moreover, Hand continued to sit often until his death in 1961. Judge Swan, who retired along with Judge A. N. Hand in 1953 as did Chase in the following year, sat frequently until the early 1960s. Judges Frank and Clark remained in active service until their untimely deaths in 1957 and 1963. The Learned Hand Court thus could well be regarded as extending from 1927 until at least 1953.

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though Mr. Schick worries a good deal about whether this group of men truly became a "great court," as has been widely considered, it simply could not avoid greatness, given any luck whatever in the raw material that came its way. By one of those strokes of good fortune that occur only occasionally, sometimes in the appointive, perhaps more rarely in the elective process,[2] five of the six judges were men of outstanding quality,[3] in analytical power, legal learning, general culture, and the ability to write graceful and powerful English, superior to all but a few judges in the land, including the nine in Washington who reviewed their decisions. To consider that the Second Circuit of 1941-51 may indeed have deserved its reputation as a "great" court because it was reversed in only 45 per cent of its cases heard by the Supreme Court during the decade, as against an average of 56.5 per cent for all the courts of appeals (pp. 334-35), is to ignore the wisdom of one of the "great" Supreme Court justices of the period: "We are not final because we are infallible, but we are infallible only because we are final."[4] While an intermediate appellate court must render real and not merely formal obedience to Supreme Court decisions, its greatness is not to be gauged by its accuracy as "a reflector, serving as a judicial moon."[5]

What a lawyer would want to know is what these six men did in various areas of law. He will not learn much about that from this book. It tells him, for example, that Judge L. Hand's opinion in the *Aluminum* case "established standards for determining monopolistic practices" which had "a direct and great influence on the development of antitrust law in the Supreme Court" (pp. 170-71),[6] but vouchsafes nothing about what those standards were. The judge receives a

[2] As in the case of the New York Court of Appeals during the 1920s, when its members included Hiscock, Cardozo, Pound, McLaughlin, Crane, Andrews, and Lehman.

[3] The sixth, Chase, was well above average ability. My encounters with his opinions would lead me to accept Mr. Schick's appraisal that "he was a first-rate craftsman and a much underrated judge" (p. 29).

[4] Mr. Justice Jackson, concurring, in *Brown* v *Allen*, 344 U.S. 443, 540 (1953).

[5] Judge Frank in *Choate* v *Commissioner of Internal Revenue*, 129 F.2d 684, 686 (2 Cir. 1942).

[6] *United States* v *Aluminum Company of America*, 148 F.2d 416 (2 Cir. 1945). Karl N. Llewellyn, *The Common Law Tradition: Deciding Appeals* (Boston, 1960), 318, n. 301a, says, more accurately, "Learned Hand's work in *Aluminum* was redone a few levels down. . . ." One could make the same comment about Judge A. N. Hand's fine opinion with respect to primary jurisdiction of administrative agencies in *United States Navigation Co.* v *Cunard S.S. Co.*, 50 F.2d 83 (2 Cir. 1931), aff'd. 284 U.S. 474 (1932).

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pat on the back for his contributions to admiralty law (p. 155), but we are not enlightened on their nature. The book scarcely mentions copyright, although a leading scholar has referred to Judge L. Hand as "the chief actor" in the development of that important subject.[7] No one would gather that the court dominated by Judge L. Hand practically made the modern American law of trademarks and unfair competition.[8] No one would learn that, perhaps more than any other judge, he was responsible for demolishing the idea that a defendant could escape a charge of negligence for not adopting modern safety devices simply on the ground that most others had not.[9] The failure to give more than scant mention to the Hand court's contribution to a subject where the interests of lawyers and political scientists merge—the interpretation of statutes—is particularly surprising. Most of us have forgotten just what statutes provoked the admonitions "not to make a fortress out of the dictionary" and "there is no surer way to misread any document than to read it literally" and the instruction that "at times one is more likely to reach the truth by an unanalyzed and intuitive conclusion from the text as a whole, than by following step by step, the accredited guides,"[10] but these observations influence the courts every day. How can a work on Learned Hand's court ignore perhaps the most fundamental decision in the whole field of income tax law, *Helvering* v *Gregory*, which, although decided before Hand became chief judge, echoed through the tax decisions of the 1941-51 decade?[11] The book refers, on four occasions, to a characterization of the Second Circuit as

[7] Benjamin Kaplan, *An Unhurried View of Copyright* (New York, 1967), 41; and the many decisions reviewed in Lecture II of this collection, "Plagiarism Reexamined."

[8] See, e.g., *Yale Electric Corp.* v *Robertson*, 26 F.2d 972 (2 Cir. 1928); *L. E. Waterman Co.* v *Gordon*, 72 F.2d 272 (2 Cir. 1934); *Dwinell-Wright Co.* v *White House Milk Co.*, 132 F.2d 822 (2 Cir. 1943). *Triangle Publications, Inc.* v *Rohrlich*, 167 F.2d 969 (2 Cir. 1948), is mentioned (pp. 260-61), but only to show Judge Frank's "antimonopoly attitude."

[9] *The T. J. Hooper*, 60 F.2d 737 (2 Cir.), *cert. denied sub nom. Eastern Transportation Co.* v *Northern Barge Corp.*, 287 U.S. 662 (1932). The principle of this case was often applied during the 1941-51 decade.

[10] *Cabell* v *Markham*, 148 F.3d 737, 739 (2 Cir.), *aff'd*, 326 U.S. 404 (1945); *Guiseppi* v *Walling*, 144 F.2d 608, 624 (2 Cir. 1944) (concurring), *aff'd sub nom. Gemsco, Inc.* v *Walling*, 324 U.S. 244 (1945); *Van Vranken* v *Helvering*, 115 F.2d 709, 711 (2 Cir. 1940), *cert. denied*, 313 U.S. 585 (1941).

[11] *Helvering* v *Gregory*, 69 F.2d 809 (2 Cir. 1934), *aff'd* 293 U.S. 465 (1935). See, e.g., *Commissioner of Internal Revenue* v *Transport Trading & Terminal Corp.*, 176 F.2d 570, 572 (2 Cir. 1949), *cert. denied*, 338 U.S. 955 (1950).

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the "top commercial court," but never discusses a commercial case.[12] The book similarly fails to provide any adequate treatment of the sympathetic reception which the court, moved especially by Judge Clark,[13] accorded the securities legislation of 1933 and 1934—a subject with respect to which the court's decisions have been particularly important because of its location at the seat of the country's principal financial market.

Detailed examination of such matters is not Mr. Schick's cup of tea. His interest lies in establishing a clash between the "conservative" judges, A. N. Hand, Swan, and Chase, and the two feuding "liberal" judges, Clark and Frank, with Judge L. Hand torn between the "liberal" instincts shown in his early opinion in *Masses Publishing Co.* v *Patten* and in some of his extrajudicial writings and the philosophy of judicial restraint summed up in his Holmes Lectures at the Harvard Law School.[14] The "liberal" judge votes in favor of criminal defendants, railroad workers, seamen, aliens, selective service objectors, and regulatory agencies, at least when they are "pro-union" (see pp. 248-49), and against taxpayers and corporations; the "conservative" judge does the opposite. Mr. Schick has to admit some uneasiness in his classification. Perhaps the most eloquent expression of a "liberal" philosophy in the entire period covered by his book was Judge A. N. Hand's opinion in a conscientious objector case, *United States* v *Kauten*, a point of view that did not win Supreme Court acceptance for more than twenty years.[15] It is also troubling to Mr. Schick that a panel consisting of the three "conservative" judges unanimously upheld the Public Utility Holding Company Act and that Judges A. N. Hand and Swan joined Judge L. Hand in the *Aluminum Company* anti-trust case.[16] On the

[12] E.g., Judge Swan's opinion in *Dixon, Irmaos & Cia. Ltda.* v *Chase Nat'l Bank*, 144 F.2d 759 (2 Cir. 1944), *cert. denied*, 324 U.S. 850 (1945); the case is illuminatingly analyzed in Llewellyn, 328-30.

[13] E.g., *Charles Hughes & Co.* v *SEC*, 139 F.2d 434 (2 Cir. 1943), *cert. denied*, 321 U.S. 786 (1944). Mr. Schick does mention (p. 249) Clark's notable dissent in *Baird* v *Franklin*, 141 F.2d 238, 240 (2 Cir.), *cert. denied*, 323 U.S. 737 (1944).

[14] *Masses Publishing Co.* v *Patten*, 244 F. 535 (S.D.N.Y. 1917), *rev'd*, 246 F. 24 (2 Cir. 1917). Most of these extrajudicial writings are collected in *The Spirit of Liberty* (New York, 1952). The Holmes Lectures appeared under the title, *The Bill of Rights* (Cambridge, Mass., 1958).

[15] *United States* v *Kauten*, 133 F.2d 703, 708 (2 Cir. 1943). Cf. *United States* v *Seeger*, 380 U.S. 163 (1965); *Welsh* v *United States*, 398 U.S. 333 (1970).

[16] *North American Co.* v *SEC*, 133 F.2d 148 (2 Cir. 1943), *aff'd*, 327 U.S. 686 (1946); *United States* v *Aluminum Company of America.*

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other side, he finds it hard to understand the "liberal" Clark's "hard-line attitude in criminal appeals" (p. 277). When the pigeons fly out of their assigned holes, so much the worse for the pigeons! But even this attempt at establishing a deep ideological chasm separating the two groups of judges is secondary to the author's interest in unveiling the bitter clashes between Judges Clark and Frank, which the opening of Judge Clark's papers by his widow and son made possible.

Mr. Schick parades this as an important contribution to judicial history. He condemns the relative silence of writers, including former law clerks who must have been well aware of the facts, as indicating "something seriously lacking in the study of the judicial process" (p. 221). Mr. Schick asserts that what went on between the two men "was central to the operations of the court" (pp. 219-20n.). Just why it was "central" is not made clear; the impression is that the four other judges became rather thoroughly bored with the interminable exchanges between the two younger members (pp. 240-41), thought them harmful to the court, and would have given a good deal to have them stop. In one of such exchanges Judge L. Hand wrote, with characteristic charm: "I like to dance in the moonlight as well as any man, but my mind is not as good as it once was, and I cannot keep time with the antiphonal strophe and antistrophe of my youthful colleagues." Presumably the "centrality" lies in the possibility that if the two Roosevelt appointees had formed a bloc, subordinating their individual views to some predetermined "liberal" bias, they would have been in the majority more often than they were. Fortunately, Judges Clark and Frank were not men of that stripe. In each case they called the shots as they saw them. Their differences did not arise from their animosity. Rather their animosity arose from their differences—as well as from more personal factors at which Mr. Schick hints (pp. 240-42). Neither he nor, in all probability, anyone else will satisfactorily explain these, and I fail to see what good comes from the detailed rehearsal of all the quarreling. save in the sense of showing *wie es eigentlich gewesen war*. Surely it is painful to those, like the reviewer, who admired both men to be obliged to read of such pettiness as Frank's criticisms of Clark for picking the brains of scholars at the Yale Law School (pp. 124-25), which Frank must often have done himself, and Clark's attacks on Frank for consulting with colleagues not on the panel (pp. 103-05, n. 86), a course that would seem a most valuable means of checking on one's own judgment and of determining whether it was in line with the thinking of the whole court. One wonders also why all these exchanges had to be in writing when the judges' chambers in the court's headquarters were a floor apart, both

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lived in New Haven for much of the time, and Judge Clark at least was not hestitant in the use of the telephone. The nadir was the exchange of correspondence over the application of the "harmless error" rule in *United States* v *Antonelli Fireworks Co.*,[17] with Clark accusing Frank of having "made violent, unrestrained personal attacks upon the individual members of this court," of sending copies of his dissent "to various persons in or about the Supreme Court," and of planning to make the case the subject of his seminar at the Yale Law School (pp. 274-76).[18]

In the concluding chapters Mr. Schick applies statistical techniques to the inner workings of the Second Circuit and its relations with the Supreme Court. This must reflect an enormous amount of labor and yields some interesting figures. But often these either are inconclusive or simply confirm what one would have expected without them. An example of the former is Table 15 (p. 315), showing that Judges Clark and Frank were the great dissenters, followed by Judge L. Hand and, at a slight distance, by Judge Swan. Judge Chase dissented much less and Judge A. N. Hand did so only eleven times in a decade. The author takes this as demonstrating that the court was dominated by a "conservative" bloc of the last three judges, something made possible by "the lack of cohesion among the court's liberals as compared to the unity of Swan, Augustus Hand and Chase" (p. 316). Perhaps so, but one would have to apply a considerable discount for other fac-

[17] *United States* v *Antonelli Fireworks Co.*, 155 F.2d 631 (2 Cir.), *cert. denied*, 329 U.S. 742 (1946).

[18] I am unable to perceive how the Supreme Court's formulation of the harmless error rule in reversing a Second Circuit panel consisting of Judges L. Hand, A. N. Hand, and Swan in *Kotteakos* v *United States*, 328 U.S. 750, 764-65 (1946), was "closer" to Frank's position in *Antonelli* than to Clark's (p. 276). Whatever efforts Frank may or may not have made, the Supreme Court, after deciding *Kotteakos*, denied *certiorari* in *Antonelli*, 329 U.S. 742 (1946). Experience makes a judge wonder how many cases will be decided differently because of the precise way in which such a concept is articulated. The same comment applies to another bitter Clark-Frank dispute subsequent to the period covered by this book. This concerned the so called "Second Circuit rule," originated by Judge L. Hand, supported by Clark, and attacked by Frank, that "the standard of evidence necessary to send a case to the jury is the same in both civil and criminal cases"; *United States* v *Feinberg*, 140 F.2d 592, 594 (2 Cir. 1944). Although here I think Frank was right in asserting that the government must produce evidence sufficient to convince a reasonable juror beyond a reasonable doubt, see, *United States* v *Masiello*, 235 F.2d 279, 285 (2 Cir.), *cert. denied sub nom. Stickel* v *United States*, 352 U.S. 882 (1956), I have seen only a few criminal appeals where it would matter which formulation was adopted. For a characteristically enlightening discussion of the harmless error problem, see Chief Justice Traynor's recent lectures, *The Riddle of Harmless Error* (Columbus, O., 1970).

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tors (p. 109)—Judge A. N. Hand's distaste for dissent and his colleagues' confidence in him (p. 26), similar qualities of Judge Swan,[19] and Judge Chase's dislike for engaging in unnecessary work. An example of the latter are some of the figures on the way the various judges fared with the Supreme Court and with particular members. While it is interesting to learn that Judge Frank scored eight Supreme Court victories on dissents as against only three for L. Hand, although Judge Swan did even better in percentages (Table 29, p. 339), and had by far the highest measure of "support" (Table 38, p. 347), this is not very surprising when the Court was coming increasingly under the influence of Roosevelt appointees such as Mr. Justice Black and justices so like-minded with Frank as Douglas, Murphy, and Rutledge. Still, this is by far the best part of the book. Indeed a reader would do well to omit the first 153 pages[20] (except for the brief biographical sketches of the sextet, pp. 12-38), run rather rapidly over the chapters devoted to L. Hand and the "three conservative judges," stay with the Clark-Frank chapters as long as his interest holds, and then devote himself to the two statistical chapters. Thus read, the book can be palatable to *aficionados* of the Second Circuit in its great days. The broader public can afford to await the history of the circuit that is being written by Professor Herbert Packer and the biography of Learned Hand that we will someday get from Professor Gerald Gunther.[21]

HENRY J. FRIENDLY
United States Court of Appeals for the Second Circuit

[19] I can testify from personal experience to one case, which shall be nameless, where Judge Swan did not dissent from a remand that he thought—correctly as matters turned out—was likely to be unproductive and to another where he couched as a concurrence, on a point of New York law, what was really a dissent; see *Evans* v *S. T. Groves & Sons Co.*, 315 F.2d 335, 349 (2 Cir. 1963).

[20] These, which seem to be mostly padding, go back to the Judiciary Act of 1789, a century before the courts of appeals were created, and forward to the Federal Rules of Appellate Procedure of 1968. Several pages (pp. 86-89) are devoted to outlining the timetable provided in these Rules—something that must be of scant interest to political scientists and that lawyers can find much more conveniently in rule books. These pages contain many inaccuracies, whose specification would unduly protract this review. However, I cannot leave unchallenged the assertion that, in terms of disposition of cases, "after Learned Hand the Second Circuit's efficiency record has been poor" (p. 71). I fail to understand why nine judges' disposition of an average of nearly 1,000 cases a year in 1967-69 does not compare favorably with

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Unused Power: The Work of the Senate Committee on Appropriations *by Stephen Horn. Washington, D.C., The Brookings Institution, 1970.—xii, 285 pp. $7.50.*

Although the power of the purse has been the subject of a great deal of intensive study over the years, this prior work has been limited, by and large, to analyses of the House Committee on Appropriations, the Bureau of the Budget, or the overall appropriations process. Stephen Horn has thus tackled a relatively fresh problem in his work on the strengths, weaknesses, and potentialities of the Senate Committee on Appropriations.

The author has brought to his job the tools of a participating expert, an insider, who viewed the appropriations process in the Senate at first hand as legislative assistant to Senator Thomas Kuchel. Thus when he bemoans the inability of a senator's assistants to gain access to executive markups of appropriations bills and recommends that "members of a Senator's personal staff who are responsible for ap-

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six judges' disposition of an average of about 350 in 1949-51 (Table 6), even when allowance is made, as it should be, for the facts that in recent years the court has had the assistance of one senior circuit judge (Judge Medina), district judges, or judges from outside the circuit in some 14 per cent of its cases and that it more frequently affirms from the bench. The really high number of dispositions per judge during the L. Hand period was in the 1930s (Table 5), but Mr. Schick concedes that the source of these figures differs and that they are not as reliable as the later ones (p. 69). Common sense should be enough to tell one that the court's business did not in fact drop from 706 cases in 1935 to 340 in 1952, although the effect of New Deal legislation had hardly begun to be felt in 1935. The earlier figures must include motions or other matters not reckoned as cases in the later ones.

The fact is that the Second Circuit, which has held its membership to nine, has the heaviest caseload per active judge of any circuit and has depended on other judges less than any other circuit with equivalent loads. See Lumbard, "The State of the Second Circuit," *Record of the Association of the Bar of the City of New York*, XXV (1970), 517. The foregoing is not meant to detract in the slightest from the deserved tribute to the efficiency of Learned Hand's court.

[21] Meanwhile those interested in a sampling of Judge L. Hand's opinions can find pleasure and profit in Hershel Shanks's edition, *The Art and Craft of Judging: The Decisions of Judge Learned Hand* (New York, 1968); and those who wish appraisals of his work in public law, in the interpretation of statutes, in patents and copyrights, and in criminal law can still benefit from the articles by Judge Wyzanski, Professor Cox, Mr. Philbin, and Mr. (now Judge) Judd in the *Harvard Law Review*, LX (1947), 370, 394, 405, in honor of his 75th birthday.

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propriations matters should be permitted to attend markup meetings" (p. 222), the reader is hearing the plaint of a participant in the process, not simply an objective analyst.

It is this personal involvement that brings to the author's judgments and recommendations for reform a ring of authenticity. It also no doubt has permitted him to speak more freely with more senators and staff regarding the appropriations process than would otherwise have been possible. His work should not, however, be considered as merely a memoir. Its analytical tables, its fascinating history of the fortunes of the Senate Appropriations Committee reflect immense study and diligent examination.

Perhaps the most fascinating portions of the book are the historical narrative sections, setting forth in some detail the battle between Senator Hayden and Representative Cannon, the changes in the investigative role of the committee, the loss of appropriations power to legislative committees, and the like. But the most important aspect of the work is its analysis of how the process functions today and how it should be changed. This analysis is the book's strength—and its weakness.

The recommendations for change are excellent. There *should* be an enlargement of the investigative staff so that wasteful spending can be ferreted out and eliminated. The General Accounting Office *can and should* be used more effectively to examine questionable programs. The budget director or a representative *should* be freely available to answer questions about overall budget priorities. All major reprogramming requests *should* be considered by the Congress as a whole—not just by a subcommittee chairman and his ranking minority counterpart. Each of these recommendations, and others like them, make all the sense in the world.

In analyzing the way the Senate Appropriations Committee, now operates, however, the author has tended to oversimplify. For example, let us consider his treatment of the so called "inner club," that special Senate circle that is supposed to get things done. According to Mr. Horn, "hard work is a basic criterion for Inner Club membership" (p. 100). This is a dangerous generalization, particularly when the list of "inner club" members, as the author sees them, when compared to tables setting forth percentage of hearings attended and amount of questioning by committee members (pp. 125-26) shows no very precise correlation between inner club membership and diligence. The meaning of inner club membership is further confused when we are told, on the one hand, that "there is a direct relationship between seniority and success in getting one's proposals adopted" (p.

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139), and, on the other hand, that "while Senators prefer to look to senior members and especially to Inner Clubbers for a lead . . . a member's knowledge and experience are the overriding considerations" (p. 143). This rather muddled treatment of the inner club is simply a reflection of the difficulty of dealing in truncated form with a phenomenon that has been the subject of a number of books and articles. Another attempt at generalization, with the same questionable results, is an attempt to delineate in a short compass (pp. 164-65) the reasons for friction between House and Senate members.

An unfortunate dichotomy is created by the author's tendency to regard economy and policy as mutually exclusive goals. Thus we are told "spending decisions are influenced by whether the members prefer to focus on policy considerations or on saving money" (p. 101). Recent congressional action on questionable defense spending as well as on the supersonic transport and other projects of dubious value has not simply been the work of an economy bloc. It has reflected the genuine concern of many of us that there is not enough money to pay for everything—that, under the circumstances, we must carefully weigh our priorities.

Despite these minor lapses, *Unused Power* will reward those who read it closely with a great deal of timely information about the appropriations process in the Senate and how it can be improved. Even participants in the process will find that the book tells them a great deal they did not know.

WILLIAM PROXMIRE
United States Senate

Minorities and the Police: Confrontation in America *by David H. Bayley and Harold Mendelsohn. New York, The Free Press, 1969.—xii, 209 pp. $6.95.*

This is a study of police and community attitudes in Denver, Colorado, based on four sample surveys—of the police department, of the general populace, of minority groups (Negroes and Mexican-Americans), and of community notables. It has the strengths and weaknesses of a survey approach to a political and institutional problem: we learn that, when measured precisely, the attitudinal structure is more complex than spokesmen for either the police or the minorities usually admit, but we learn little at all about actual police-citizen behavior. In the present case, the strengths outweigh the weaknesses, for what we

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discover about attitudes happens to be relevant to a central intellectual and policy issue.

The question is this: is police behavior, or at least police attitudes, more the result of the kind of men recruited into police work or the result of the constraints and expectations of the task itself? If it is the former, then those who feel there are problems to be solved can press the search for ways of getting "better men" onto the force; if it is the latter, then either little can be changed or change can only result from redefining the job. The Bayley-Mendelsohn data do not settle the issue, but they strongly suggest that it is the job, not the man, that produces the "police mentality" (and presumably, though this is conjectural, police behavior).

The Denver police department has already succeeded in attracting as officers men who are different from and perhaps "better" than the average police recruit. The typical patrolman is better educated and better paid than the typical Denver citizen, he is more optimistic about the future than the man on the street, and on measures of anomie, authoritarianism, and prejudice, he scores the same as or "better" than his civilian counterpart. The Denver officer is by no means a "working-class authoritarian" who happens to wear a blue uniform. On the other hand, politically, he is highly conservative (most Denver officers voted for Goldwater when the city was going for Johnson by a two-to-one margin) and he is quite critical of and suspicious of the behavior of minorities (involving crime, rioting, and so forth). But there is *no* relationship between these political or racial opinions and the personality traits, class background, or educational level of the officer—he seems to reflect the nature of his work rather than his prior dispositions.

These and other findings lead the authors to offer some (to me) sensible (and sensibly modest) policy suggestions for improving police-community relations. They place little stock in providing "better information" to the police about minority group life—the police are already very well informed. Nor do they value weeding out "prejudiced" officers or subjecting them to courses on police-community relations—such methods are no more likely to work with the police than arresting "outside agitators" or giving blacks courses on "ghetto-community relations" are likely to prevent riots. What is necessary (we can pardon the authors for not supplying the details that have so far eluded everyone else) is to give police and minority citizens a sense of partnership in a common enterprise in which "keeping the peace" is often more important than "enforcing the law."

In short, a book based on a survey of attitudes concludes that the

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problem, after all, is a structural and not an attitudinal one. A refreshing analysis.

JAMES Q. WILSON
Harvard University

White Over Black: American Attitudes Toward the Negro, 1550-1812 *by Winthrop D. Jordan. Chapel Hill, The University of North Carolina Press for the Institute of Early American History and Culture, 1968.—xx, 651 pp. $12.50.*

One of the half dozen or so best books ever published in early American history, this one deserves all of the prizes it has won and probably even the one notable prize it did not win. Its extraordinary merit derives mainly from the author's intelligent and stubborn refusal to settle for easy simplicities. He explores with great sensitivity and at considerable length virtually every conceivable aspect of white attitudes toward blacks from presettlement English traditions through the unthinking enslavement of Negroes in the seventeenth century, the development of the full-blown institution of chattel slavery during the first half of the eighteenth century, the emergence of a strong antislavery impulse during the era of the Revolution, and the relatively rapid diminution of that impulse over the following three decades. The result is a degree of richness and subtlety rarely found in historical works.

Indeed, the volume is so rich in detail and analysis that it is impossible to summarize it adequately in a short review. As the title implies, the central argument is that the Negro's complexion—his distinctive, un-European physical appearance and, to a somewhat lesser extent, the congeries of negative personal qualities associated with it—was the single most important element in determining white attitudes toward and treatment of him in the Anglo-American colonies. Always alive to the ambiguities in the complicated developments he describes, however, the author repeatedly qualifies this argument, and his analysis of the origins of slavery in the continental colonies, the sources and character of the manifest anxieties of whites in their relations with blacks, the composition and meaning of the racial attitudes of Thomas Jefferson and Samuel Stanhope Smith, and the reasons for the failure of antislavery following the Revolution, to mention just four diverse examples, are models of pluralistic explanation in which he impressively and convincingly weighs and describes the intricate relationships among the many factors involved.

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The only major element in the book that is not sufficiently developed is the underlying motif—the role of the Negro in fulfilling "the need of transplanted Englishmen to know who it was they were." Expanding upon a theme earlier elaborated in relation to the Indian by Roy Harvey Pearce in *The Savages of America* (1953), Jordan argues that "white men had to know who *they* were to survive" and that "the red and black peoples served" them "as aids to navigation by which they could find their own safe positions as they ventured into America." A "counter image for the European," the Negro was an everpresent reminder of the blackness—the savage potential—within whites that operated to strengthen their attachment to the traditional forms and values of the society they had left behind. Except in the West Indies, where blacks were so numerous that they made the successful recreation of English civilization impossible and muddied the self-image and stunted the cultural aspirations of the colonists, the Negro also functioned as a more positive force, actually contributing to the mood of optimism and self-confidence that, according to the author, was the distinguishing feature of a growing "American self-awareness" just after the mid-eighteenth century. Generated primarily by the phenomenal material accomplishments of the colonists, this mood also depended to some extent on the presence of the Negro, who, by providing a "model of what white Americans could *never* be," reassured whites that they "had not themselves lapsed into barbarism and had not lost their grip on the old standards."

The primary difficulty with this formulation is that the Negro is not placed in a comparative perspective with other models which helped to shape the colonists' self-conceptions, with the result that it is unclear exactly how important the Negro was in the process. Customarily, reference group theorists distinguish between comparative and normative groups. The former are groups whose qualities provide a contrast to one's own, while the latter are the sources of approved social standards. For white colonists, as Jordan's work seems to make clear, the Negro, like the Indian, was a comparative reference group, important, in Pearce's words, "not for what he was in and of himself, but rather for what he showed civilized men they were not and must not be." Given the white man's image of the Negro, the knowledge that he had not yet degenerated to the Negro's level could scarcely have been very comforting, and it is almost certainly true that for colonial whites, as for most groups, normative reference groups were vastly more important in the process of identity formation. Specifically, the heroic figures of the founders of the colonies and the arbiters of behavior at home in England were especially attractive

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models to later and, so they thought, degenerating generations of provincials in the colonies. By providing them with a measure of what they should and hoped to be, these two models, more than anything else, gave white colonists a sense of who it was they were.

Because they had been so obviously unable to live up to the standards of either of these models, it is highly probable, in fact, that the self-congratulatory mood of the mid-eighteenth century described by Jordan only masked a much more fundamental sense of failure and that the presence of the Negro, whether slave or free, was itself the single most blatant symbol of just how far short of those standards they had fallen. The presence of the Negro could be a source of comfort only in places like the West Indies or, after 1745, South Carolina, where the extraordinary economic energy unleashed by boom economies swept away virtually all concern for maintaining traditional standards and enabled men to accept and acknowledge the fruits of their appetites—sexual as well as economic—without the guilt that continued to be manifest elsewhere. Among settlers whose commitment to traditional standards was still vital, the Negro probably functioned less as an object of reassurance of their own moral worth than as an enduring reminder of their own inner blackness.

If this interpretation is correct, then it is possible that the strength of the antislavery movement during the Revolution derived quite as much from the desire to live up to the high requirements of these normative social models as it did from the Revolutionary commitment to liberty and equality, for those requirements could hardly be met until the inner stain symbolized by Negro slavery had been removed. Ironically, however, that movement, in the short run at least, was foredoomed by the very elements from which it drew so much of its strength. For, as the author suggests, the Revolution raised expectations and set standards that were so high that they almost by definition excluded blackness in any form—whether within whites or in the person of the Negro—from any *acknowledged* role in America's future. Despite the appearance of a strong and genuine desire to achieve its own individual identity, the young republic was too inextricably intertwined with Europe to escape its cultural pull. For a new nation in search of respectability in the family of nations, the urge to achieve—hopefully even to exceed—the level of "civilized restraint" thought to be the essential element in old world societies was overpowering. So long as the Negro was associated with barbarism, the realization of the American national self, the full achievement of the standards raised by the Revolution and the secure sense of identity they seemed to promise, required, as the author indicates, that the Negro be kept at a safe dis-

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tance from the rest of society. That requirement inevitably meant that until slavery became utterly loathsome to the civilized world it would persist wherever it was economically profitable, that the weaker Revolutionary principles of liberty and equality would be denied to the Negro, and that he would be barred from full participation in American society until the unflattering image of him had been eradicated from the white mind.

If it is true that understanding of one's prejudices is the first step toward overcoming them, then the author may himself have made an important contribution to the continuing search for American identity. By explaining so fully and so dispassionately the historic meaning of blackness in the American white man's mind and how that meaning infused all of his formative relationships with the Negro, the author has laid bare the roots of racial prejudice in America and thereby created a potentiality for understanding. In doing so, he has put all Americans in his debt.

JACK P. GREENE
The Johns Hopkins University

To the Hartford Convention: The Federalists and the Origins of Party Politics in Massachusetts, 1789-1815 *by James M. Banner Jr. New York, Alfred A. Knopf, 1970.—xiv, 378, xii pp. $8.95.*

This splendid book is far more than a study of the origins of the New England Federalist convention that met at Hartford, Connecticut in December 1814. It is rather a penetrating analysis of Massachusetts Federalism—its ideological roots, its social and economic make-up, and its party organization. The ideology of Massachusetts Federalism was a collection of Yankee attitudes that dated back to the first settlement of New England. Its chief characteristics were: pride of race, distrust of moneymakers, fear of "leveling," and a suspicion of aliens. It was also elitist, both in theory and practice. Deferential politics, voter apathy, and the failure of many interior towns to maintain representation in the assembly left the politics of the state in the hands of a small elite until the end of the eighteenth century. But all this began to change with the election of Jefferson—not so much because of the Virginian's democratic example, but because the Federalists found themselves obliged, once they no longer controlled the national government, to create a state organization.

Without subscribing to David H. Fischer's generational thesis, Banner documents the democratization of Federalist electoral methods after

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1800. By the end of Jefferson's first term in office a two-party system appeared in Massachusetts, and the competition for votes induced both Federalists and Republicans to develop new organization and propaganda techniques. This in turn stimulated voter interest and voter turn-out at election time. The paradox, however, is that the "leveling" of Massachusetts politics also promoted extremism, particularly in times of political stress, such as the Embargo and the War of 1812. During these crises the elitist leadership, moderate by disposition and philosophy, found itself losing control of the Federalist party. Their remedy was to use one of the devices of democracy—the popular convention—to regain ascendancy and steer the party in a moderate direction.

Such, suggests Banner, was both the purpose and the paradox of the Hartford Convention. Though maligned by contemporaries and historians as disruptive and obstructionist, the convention was actually summoned to undermine secessionist demands being vocalized by popular leaders in western Massachusetts. It was thus a sort of logical culmination of both the democratization of American politics and the electoral devices pioneered by the first party system. This particular plea for the Hartford Convention may raise some skeptical eyebrows among scholars with a Jeffersonian bias, but there is no doubt that Professor Banner offers a superb analysis of party development in Massachusetts from the Constitution to the War of 1812.

NORMAN K. RISJORD
University of Wisconsin

Means and Ends in American Abolitionism: Garrison and His Critics on Strategy and Tactics, 1834-1850 *by Aileen S. Kraditor. New York, Pantheon Books, 1969.—xvi, 296 pp. $7.95.*

This is so closely reasoned an examination of abolitionism that one wonders how widely its argument may be noted. One fact possibly interfering with its dissemination might be its curious parochialism; it takes over-seriously several modern studies of William Lloyd Garrison and the stimulating, but hardly seminal, *Slavery* by Stanley Elkins (1959). This gives *Means and Ends* a narrow and monographic character. Nevertheless, its thesis has larger implications. Was Garrison a hindrance to the antislavery enterprise, or can his methods and approach be defended? And what of his modern counterparts? The author works hard to define the components she wishes to judge, for example distinguishing Garrisonians from anti-Garrisonians, conservatives from

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radicals. The charges she reviews are well known: that Garrison was self-centered and sanctimonious; that his "extremism" removed him from the core of social debate, but also antagonized potentially cooperative opponents; and that a moderate wing of abolitionists raised more viable standards for the North. (Some academicians hold the entire abolitionist movement invalid with respect to large social developments.)

Professor Kraditor, who has also been a student of women's rights, concludes that the infamous nature of slavery required an "immediatist" criticism and that it may have been the conservative abolitionists, concerned for their "public image," who were unrealistic to imagine that proslavery partisans could be propitiated. An uncompromising moral abolitionism may have been the one means of avoiding the ends of shoddy alliances and debased definitions of freedom.

Means and Ends tries to keep alternative proposals clear, yet it moves on connotative waters it may not wholly control. Thus, "[Walter M.] Merrill's biography [of Garrison] is excellent. [John L.] Thomas's is brilliant." Yet they left her believing Garrison to have been "bull-headed, arrogant, vindictive, and incredibly blind to some obvious truths." The author then turned to Garrison's own writings and was "convinced that I was meeting the man for the first time" (p. ix). Definitions of *excellent* and *brilliant* are obviously in order. So also is the author's view of the religious and social attitudes of, for example, Arthur and Lewis Tappan who, among other causes, espoused sabbatarianism. Kraditor finds those attitudes "part of an authoritarian philosophy which fostered the proslavery spirit in the nation at large and the proscriptive spirit in the antislavery movement" (p. 75). Hard words for men who had a price on their heads for antislavery ardor, who helped found Berea and Oberlin colleges, aided Garrison himself, and otherwise contributed to the nation's social and spiritual efforts. It is difficult to bring different intellectual and social interests into one frame of reference, and this fact in itself limits the value of the closest reasoning. The author, for example—a trifling point, but it illustrates the problem at first hand—imagines that the present reviewer has been a "champion" of Garrison's viewpoint (p. 75). This is simply not accurate, and my writings indicate amply that this is the case.

Garrison may well have been asked, as Kraditor asserts, to choose between antislavery agitation and silence (p. 276), but in fact, when not in words, all partisans, Garrison as well as his opponents, proscribed each other, their effect being limited only by their powers. They did, and they do. The antislavery debate affects us today, as in the past, and scholarship struggles as much as any walk of life with

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its implications. Kraditor's argument should help modernize the argument over the meaning of freedom.

LOUIS FILLER
Antioch College

Black Abolitionists *by Benjamin Quarles. New York, Oxford University Press, 1969.—x, 310 pp. $6.75.*

The participation of the North's Negroes in the antislavery movement has been generally neglected by historians. Now we have a disciplined treatment of this timely subject. It does not disparage the valor and principled commitment to racial equality of white abolitionists; it cannot be accused of special pleading for the importance of black men and women in the crusade against slavery. One of its major themes, introduced in the first chapter, is that the quality of black opposition to slavery depended heavily on the emergence during the 1830s of uncompromising white immediatists—"abolition's new breed." Whatever historians may decide about the standing of William Lloyd Garrison among white abolitionists, it is plain from these pages that the adulation and support he received from free blacks are indispensable to any explanation of his prominence and endurance.

Professor Quarles is chiefly concerned with the range of Negro contributions to the antislavery struggle between about 1830 and 1861. He covers such topics as Negro churches, newspapers, self-help organizations, political action, and aid to the underground railroad. On the latter topic, he tacitly discounts Larry Gara's efforts, in *The Liberty Line* (1967), to dispel myths concerning the size and organization of the "railroad." There is discussion of Negro attitudes toward the American Anti-Slavery Society as well as the more conservative organization formed by Garrison's opponents and the Liberty, Radical Abolitionist, Free Soil, and Republican parties. There are recurrent allusions to disputes between black and white abolitionists. The concluding chapters describe growing interest in emigration and violence among black leaders in the decade and one-half before the Civil War. The book gives ample evidence of concern and commitment among free blacks in behalf of their brethren in chains.

But despite the importance of the very moving story it tells, *Black Abolitionists* leaves this reviewer disappointed. For one thing, it is very unclear whether black abolitionists were as extraordinary in the black population as white abolitionists were among whites. Several times we

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are told of black criticism of black apathy toward slavery. Yet there are also frequent generalizations about the support of most Negroes for certain militant positions. Perhaps there is no contradiction here, but little evidence is presented to resolve the confusion one way or another. Secondly, this account of black abolitionism is not successfully related to our understanding of abolitionism in general. It is hard to estimate the relative strength of black antislavery. As for the tensions between black and white radicals, it is hard to determine how prevalent were suspicions among blacks, how prevalent were prejudice and highhandedness among whites. Nor is it altogether clear that suspicion depended on the prior existence of prejudice. There is insufficient appreciation of the diversity of opinion within the "new breed" of whites concerning the means and ends of antislavery. Consequently, it is difficult to interpret the diverse and changing opinions of blacks. Although Professor Quarles presents a very detailed account of antislavery among Negroes, Leon Litwack's brief discussions of interracial tensions within abolitionism—in *North of Slavery* (1961) and in Martin Duberman, ed., *The Antislavery Vanguard* (1965)—contribute with greater clarity to an understanding of the movement.

The status of Negro radicals among other Negroes and their attitudes toward white radicals are, of course, touchy subjects today. One of the virtues of *Black Abolitionists* is the absence of forced, polemical interpretations. Nevertheless, while showing that a great deal of historical evidence exists concerning these timely subjects, the book stops short of a full and satisfactory analysis.

LEWIS PERRY
State University of New York at Buffalo

The Radical Republicans: Lincoln's Vanguard for Racial Justice *by Hans L. Trefousse. New York, Alfred A. Knopf, 1969.—xiv, 510 pp. $10.00.*

Reconstructing the Union: Theory and Policy during the Civil War *by Herman Belz. Ithaca, N.Y., Cornell University Press for the American Historical Association, 1969.—ix, 336 pp. $8.50.*

Judicial Power and Reconstruction Politics *by Stanley I. Kutler. Chicago, University of Chicago Press, 1968.—ix, 178 pp. $5.95.*

The recent publication of a book on Reconstruction by Avery Craven could be regarded as conclusive evidence that the focus of American Civil

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War scholarship has shifted from the causes to the consequences of the conflict. It is now obvious that within the past two decades, the study of Reconstruction has been not only stimulated but transformed by the force of the modern revolution in race relations, which makes the standard interpretation of an earlier day obsolete and even repugnant. At the same time, other influences have contributed to the extensive rewriting of Reconstruction history. They include those professional pressures that encourage revisionism as the easiest path to recognition, the application of techniques and insights from other disciplines, and the more systematic and pointed exploitation of conventional historical sources. In some degree, each of these three books reflects the influence of new social values on our historical outlook as well as the scholarly urge to revise previous scholarship. For the most part, their authors have relied on the traditional methods and materials of the historian, but the results as a whole encourage the belief that new methodology is not the only way to extract new meaning from the past.

The Radical Republicans is the longest book of the three and the broadest in scope, but it will probably work the least change in historical scholarship. Trefousse, the biographer of Ben Wade and Ben Butler, has simply extended his coverage to the whole Radical leadership in Congress and carried their story back to its origins in the new antislavery politics of the late 1840s. About the same amount of space is given to the antebellum, wartime, and postwar periods. Fashionable in its unconcealed admiration for the Radicals, the book is a record, with some exaggeration, of their roles and achievements. Its well written narrative, with interpretative passages, leads the reader on a tour of very familiar historical ground from the Compromise of 1850 to the election of 1876. At the end, one has learned more about a cluster of personalities than about the events in which they were involved. Nevertheless, with so much being written about the abolitionists, there is considerable value in this study of a group to the right of the Garrisonian extremists—the antislavery militants in national politics like Hale, Sumner, and Chase, many of whom became the Radicals of Reconstruction. If the book has a thesis, it is stated in the subtitle, and Lincoln, indeed, emerges as the real hero of the middle section. Trefousse probably estimates accurately the extent of Lincoln's ability to control the Radicals and of his disposition to reach accommodation with them, but it is harder to believe that the president was thereby proceeding in the very direction and at the very pace that he had always wanted to go.

Reconstructing the Union is a more penetrating study of wartime proposals and policies looking toward restoration of the nation. Previous work on the origins of Reconstruction has stressed presidential action,

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with passing glances at congressional criticism and counteraction. Belz now provides the first thorough study of Reconstruction theories and plans as they developed in Congress between Fort Sumter and Appomattox. Yet he also gives full consideration to Lincoln's role and skillfully explains the complex connections between executive and legislative behavior. His treatment of the Wade-Davis bill, for example, is far superior to anything else written on the subject. One of his most interesting conclusions is that the Radicals, as time passed, became more conservative in their designs for reconstruction of the South, while Lincoln moved steadily toward the Radical position on racial issues. Belz, like Trefousse, thus believes that presidential-congressional differences over Reconstruction were probably adjustable as long as Lincoln remained alive.

More than the other two authors, Kutler has a specific thesis to defend, and he does so successfully, with only a slight tendency to overreach himself. His target is that part of earlier Reconstruction historiography which pictured a timid Supreme Court retreating before Radical assaults on the very essence of judicial power. Actually, Kutler maintains, the Chase court was energetic and even bold in exercising its authority, while the Republican Congress, instead of trying to cripple the Court, enacted legislation expanding its power. Kutler is at his best in demonstrating the limited significance of *Ex parte McCardle* and its misuse as evidence of judicial impotence. In a relatively short book, he has corrected a major error of constitutional historians, broken new ground in the history of judicial legislation, and untangled another strand in the fabric of Reconstruction politics.

DON E. FEHRENBACHER
Stanford University

Big Steel and the Wilson Administration: A Study in Business-Government Relations *by Melvin I. Urofsky. Columbus, Ohio State University Press, 1969.—xxxii, 364 pp. $8.00.*

The merger movement at the turn of the century opened a Pandora's box for American society. On the political side, there was the question of regulation: to what extent, and in what ways, should the government attempt to curb the giant holding companies? On the business side, there was the question of defense: how could the mergers achieve their objectives while warding off the threat posed by the suddenly resurrected Sherman Anti-Trust Act? This problem has already received substantial attention, and we have a reasonably clear picture of

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the informal accommodation reached between the Roosevelt administration and the Morgan interests and its collapse under the legalistic William Howard Taft. What happened during the presidency of Woodrow Wilson remains more of a puzzle. Wilson, of course, ran on the New Freedom doctrine, but how much of his call for a return to the competitive economy of the past was reasoned and genuine; how much mere campaign oratory? Wilson, in any case, once in office, swiftly abandoned the New Freedom first in the creation and staffing of the Federal Trade Commission, then in the more sympathetic stance toward big business taken by his administration during the neutrality period, and finally in the unprecedented business-government cooperation during the war.

Thanks to Melvin Urofsky's able study, we now know a good deal more about the course of that development. Professor Urofsky has chosen to approach the subject through a case study. This tack is especially effective on the business side of the equation. By focusing on the steel industry and in particular on United States Steel, Urofsky is able to analyze with some depth and rigor the experiences of the most representative exponent of the New Competition in its relations with government during the Wilson era. What emerges most strikingly is Big Steel's persistent desire for a stable and orderly market and, as a concomitant, a cooperative relationship with the federal government. The war experience represented a real triumph for steel, Urofsky concludes, for, under the aegis of the War Industries Board, the industry received the opportunity to put into practice what Elbert Gary had so long preached. Urofsky perhaps overstates the industry's enthusiasm, for the experiment involved a disturbing coercive element. This was more so in the area of labor relations, but it was true also, especially during the confused first year of the war, in matters of production and price fixing as well. By the second year, however, the shadow of government coercion had receded, and afterward steel men regretted the dismantling of the machinery of business-government cooperation.

The case-study approach is somewhat less successful for the government side of the story. Since the formulation of public policy occurred in a broader framework than what directly involved the steel industry, Professor Urofsky necessarily treats that part of his study more thinly. He is excellent on those topics that could be developed in detail, for example, the history of steel price fixing during the war. But the treatment of broader public developments—the character of the New Freedom and its fate once Wilson took office and the formulation of wartime policy both for production and labor—is somewhat less satisfactory. Urofsky takes issue with Arthur Link's thesis (which

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Urofsky oversimplifies) that Wilson abandoned the New Freedom out of political expediency. Urofsky's emphasis on multiple causation is persuasive, but the rigorous case remains to be made.

DAVID BRODY
University of California, Davis

Franklin D. Roosevelt and Foreign Affairs: January 1933-January 1937, Vol. I: January 1933-February 1934; Vol. II: March 1934-August 1935; Vol. III: September 1935-January 1937 *edited by Edgar B. Nixon. Cambridge, Mass., Belknap Press of Harvard University Press, 1969.—xiii, 664 pp.; ix, 637 pp.; ix, 638 pp. $32.50.*

The publication of these volumes marks the third effort of the Franklin D. Roosevelt Library to make the Roosevelt papers at Hyde Park more widely available to scholars. In 1957, the library published two volumes of documents relating to Roosevelt's interests and activities on conservation, which could be purchased from the Government Printing Office for $9.50. In the early 1960s, the library shifted to microfilm publication, offering for sale the complete transcripts of the president's press conferences for slightly more than $100. The three volumes on foreign policy appeared as a set in the spring of 1969 with additional volumes to follow at intervals of eighteen months. The decision to permit a private press to publish these public documents created a heated controversy which culminated with the denial of a copyright for either the papers themselves or the editorial annotation, which was done by Edgar B. Nixon while he was a full-time employee of the library. In addition, scholars have charged that these volumes contain a few documents which were not made available to historians doing research there.

It is indeed unfortunate that the library did not continue the practice of microfilm publication that it pioneered with the invaluable press conference transcripts. The material in these three volumes is of interest primarily to research scholars, not to the general public, nor even to the great majority of American historians and political scientists. The chronological presentation of documents serves only to bewilder the reader without specialized knowledge of Roosevelt's foreign policy. Even the specialist in diplomatic history must read them with the appropriate volumes of *Foreign Relations* and *F. D. R.: His Personal Letters* at hand in order to develop a coherent picture of

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the evolution of Roosevelt's foreign policy from 1933 to 1937. Microfilm publication of these documents would have met the needs of researchers, and the savings in time and expense would have permitted the staff of the Roosevelt Library to make far more material available to scholars.

The most disappointing feature of the documents in these three volumes is how little additional insight we gain on Roosevelt's approach to foreign problems. Though the editor claims that about half the items are communications from the president, it is apparent that most of these are routine letters of reply or excerpts from his press conferences, which are already available to scholars on microfilm, a fact the editor never mentions. In part, this lack of information on Roosevelt's ideas is due to the president's innate caution. He much preferred to express his thoughts in conversation and always was very guarded in his written statements. In part, it is due to the publication in 1950 of the more informative and interesting Roosevelt letters in the volumes edited by his son. Moreover, these were years of intense domestic crisis, when FDR was absorbed with the Depression and the New Deal and hence gave foreign affairs a relatively low priority. As a result, the reader comes away from these volumes still groping for Roosevelt's basic attitudes and assumptions on foreign policy.

The most valuable documents are the ones coming in to Roosevelt, both from his advisers at home and his ambassadors abroad. Long, stilted notes from Cordell Hull, brief recommendations from Billy Phillips, rather unctuous memoranda from Walton Moore—all help clarify the influences on Roosevelt's policy and suggest why he came to place less and less reliance on the State Department. The letters from the ambassadors make the most interesting reading. Roosevelt, lacking confidence in the foreign service, asked the noncareer men he appointed to major diplomatic posts to write to him personally whenever they had something unusual or significant to report. The ambassadors took Roosevelt at his word, bombarding him several times a year with letters ranging up to six and seven pages. Some were naive and gossipy, notably the ones from Breckinridge Long in Italy (who was impressed with Mussolini's achievements) and those from William Bullitt, who served first in Moscow and later in Paris and who was constantly calling for American efforts to reconcile Germany and France in order to unite Western Europe against the Bolshevik menace. Others were brief and perceptive in their comments. Robert Bingham in London predicted in 1936 that Neville Chamberlain would be the next prime minister, a development which he prophetically termed "a great mistake" (III, 486). John Cudahy, the

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ambassador to Poland, told Roosevelt just after the German reoccupation of the Rhineland that "only a miracle can preclude a war in Europe" (III, 267). The most impassioned envoy was William E. Dodd, the ambassador to Germany, who informed FDR quite early of the evil nature of the Nazi regime and of Hitler's determination to conquer Europe. Warning that civilization itself was in peril, Dodd wrote in October 1936, "the cooperation of the United States with European democracies is the only hope we have" (III, 458). A year later Roosevelt replaced Dodd with Hugh Wilson, the man recommended by William Bullitt as one "who can at least be civil to the Nazis" (III, 530) and thus promote Bullitt's goal of a Franco-German reconciliation.

ROBERT A. DIVINE
University of Texas, Austin

Paper Walls: America and the Refugee Crisis, 1938-1941 *by David S. Wyman. Amherst, The University of Massachusetts Press, 1968.—xiv, 306 pp. $6.00.*

All students of American society are familiar with one of the most visible and persistent manifestations of prejudice and discrimination in recent U.S. relations with other countries and peoples—the immigration law. It all but excluded Asians and Africans, and for more than a generation, it froze the European quotas to the proportions of ethnic groups in the white population of the United States. The law did provide for the admission of more than 150,000 immigrants annually, and, though the largest quota was reserved for the British-born, it held out an opportunity for many victims of the Nazi regime on the European continent. To be sure, that opportunity was no guarantee, for a rising barrier of political pressures and administrative procrastinations confronted an increasing number of refugees who were running out of time and money. At a crucial time, the United States encircled itself in walls of paper. That is the subject of David Wyman's book on American attitudes and practices during the refugee crisis of 1938-41.

Wyman has an intriguing style that cajoles the reader to expect a triumph of the "internationalists" as they mobilize their considerable forces, now for a bill to admit children, now for an Alaskan settlement scheme, now for a haven in the Virgin Islands. Each time, however, they were overcome by a coalition whose influence was measurably greater. The "restrictionists" fed on unemployment, nativism, and anti-

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Semitism. The refugees, for the most part, were poor, German-speaking, and Jewish.

Wyman does not talk much about personalities, but he mentions Breckinridge Long and those consuls in Zurich, Stockholm, Antwerp, and Nice who personally blocked thousands of threatened and stranded people from moving into the United States. His tightly written narrative does not dwell long on individual fates, except for a glimpse of refugee X in Zurich, who filled out papers and papers and papers, and a view of Gurs, the internment camp in Vichy, France, in which inmates died en masse while there was still time for embarcation.

The conclusions of the book are stark and simple: "The half-filled quotas of mid-1940 to mid-1941, when refugee rescue remained entirely feasible, symbolize 20,000 to 25,000 lives lost. . . ." In the eight years from 1933 to 1941, about 250,000 refugees found safety here. The total is not small, but neither is the country which received them.

Wyman's account rests on thorough research in several archives. According to the book jacket, he is now preparing a sequel which will cover the period from 1941 to the end of the war. Serious readers will look forward to his analysis of that most somber phase of American rescue policy.

RAUL HILBERG
University of Vermont

Desegregation of the U.S. Armed Forces: Fighting on Two Fronts, 1939-1953 *by Richard M. Dalfiume. Columbia, University of Missouri Press, 1969.—viii, 252 pp. $6.00.*

The value of this new treatment of a familiar subject can best be seen by comparison with two earlier works. *Breakthrough on the Color Front* by Lee Nichols (1954) deals with the same topic. Herbert Garfinkel in *When Negroes March* (1959) is concerned with the drive for fair employment but covers much of the same period, the Roosevelt years.

Nichols's book is clearly a success story. Dalfiume also credits the armed services with success in changing a deeply rooted pattern of segregation, but he shows how hard the victory was to achieve and suggests that there is still more to be done. Making admirable use of sources in the Truman and Roosevelt libraries and the National Archives, he shows that the political opposition to military desegregation was even greater than the military reluctance to engage in a "social experiment." During World War I, tradition rather than a definite

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policy governed the employment of black servicemen. As early as 1922 an Army staff study set forth guidelines based on military considerations which would have abolished all-black divisions and resulted in the assignment of more blacks to combat units. It was not until the closing months of World War II, however, that these recommendations began to be implemented.

Some changes in policy did take place earlier in World War II, the most significant being the utilization of black pilots. Dalfiume shows how begrudgingly the Roosevelt administration, particularly Secretary of War Stimson, conceded these changes. Like Garfinkel, he reveals the extent to which the racial policy of Franklin D. Roosevelt was based on political maneuvering inspired by threats of black disaffection with the Democratic party and the war effort. He also shows how publicly vaunted concessions were reduced to the worst sort of tokenism by unpublicized political and military rigidity. When William Hastie resigned as civilian aide to the secretary of war in 1943, he told a press conference, "It is difficult to see how a Negro in this position with all his superiors maintaining or inaugurating racial segregation can accomplish anything of value" (p. 85). The last straw leading to his resignation was the decision of the Air Corps, deliberately concealed from him, to set up a segregated officer candidate school even after other branches had set up integrated schools.

The employment of black platoons in integrated companies during the Battle of the Bulge persuaded Generals Eisenhower and Patton of the efficiency of mixed units, but it did not lead to a significant change in army policy. Yet President Truman had set a different tone in his Executive Order 9981 calling for equality of treatment and opportunity for all persons in the armed forces and, under Secretaries Forrestal and Symington, the Navy and the Air Force had forged ahead of the Army in integration. It was not until several field commanders in Korea instituted "unauthorized integration" and proved its value that the Army fell into line. The recent racial clash at Camp Lejeune suggests that the services have still not solved all their problems of discrimination; the story of desegregation is not yet complete.

LEWIS M. KILLIAN
University of Massachusetts

The Unfinished Odyssey of Robert Kennedy *by David Halberstam. New York, Random House, 1968.—212 pp. $4.95.*

This journalistic profile of Robert F. Kennedy is a character sketch of a

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high order by a distinguished journalist. It provides numerous useful insights into politics—especially into the growth process of a political figure. David Halberstam paints a painstakingly realistic picture of the late senator and does not omit disparaging comments. But he arrives at a view of Robert Kennedy which is on the whole admiring. A central theme of the book is that many people saw the Robert Kennedy of 1968—a man of growing compassion and humaneness—as the Robert Kennedy of 1960—the tough, dedicated political combatant overshadowed by his elder brother.

Since the book depends for much of its impact on style as well as on insight, three turns of phrase may be illustrative:

> Most of the people pulling for Kennedy to make the race were doing so not because it was Camelot, but precisely because it was not—because Robert Kennedy, in the past few years, had very deliberately taken over the leadership of the disenfranchised and the dissatisfied in America . . . (p. 12).

> In this period of growing social and political dissatisfaction, the role of Robert Kennedy was crucial. He was at the exact median point of American idealism and American power. He understood the potency of America's idealism, as a domestic if not an international force, and yet he had also exercised American power . . . (p. 33).

> It was a sign of the changing new and angry times that Kennedy's very appearance in the ghetto was considered more important by the press than his [Indianapolis] speech. He was one of the rare American political figures who could, on a night of such anger and vengeance, go safely into the black quarters of the cities . . . (p. 87).

Other vignettes add to the probing perceptiveness of Halberstam's narrative: Kennedy's dinner dialogue with two disappointed student backers of McCarthy in Indiana; his chats with advisers (professional and reform-minded) on the strategy of the campaign; McCarthy's curious mixture of humility and arrogance; former President Johnson's wide-ranging ambitions for his country as well as himself, ambitions which eventually proved to be his undoing; a fairly sympathetic profile of Hubert Humphrey, who the author feels moved into the Establishment as Robert Kennedy was moving outside it to become the spokesman for the disenchanted.

Still other sketches: a San Diego rally after which the candidate nearly collapsed from the sheer exhaustion of campaigning; Robert Kennedy's almost accidental, but completely sincere, espousal of Cesar Chavez and the grape pickers' union, a politically daring but compassionate action; Kennedy's final brief moment of triumph when he realized he had won in California.

Halberstam feels Robert Kennedy was a transitional figure in Ameri-

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can politics, with an understanding of the old politics but also with a rare feeling for the new politics. This was his distinctive quality, along with his sheer humaneness, Halberstam believes. The book is an excellent journalistic effort. The author does not pretend to develop political theory, but the raw material for theorists of political personality is there.

WILLIAM C. SPRAGENS
Bowling Green State University

Engines of Change: United States Interests and Revolution in Latin America *by George C. Lodge. New York, Alfred A. Knopf, 1969.—xv, 411 pp. $8.95.*

The Politics of Brazilian Development: 1930-1954 *by John D. Wirth. Stanford, Calif., Stanford University Press, 1970.—viii, 278 pp. $7.95.*

These two volumes represent very distinct and diverse tendencies in the recent literature on Latin American affairs. Mr. Lodge, writing from his experience as a former assistant secretary of labor for international affairs as well as a member of the faculty of Harvard's Graduate School of Business Administration, has given us a policy-prescription book. Professor Wirth, in an expanded version of his doctoral dissertation, has provided a scholarly history of trade, steel, and petroleum during the quarter-century of Brazilian national life dominated by the late Getulio Vargas. While both deserve a careful reading by those interested in the region, the former is likely to be of greater interest to the general reader; the latter far more satisfying to the specialist.

Lodge views Latin America from a liberal Republican viewpoint, thus perceiving as dynamic and progressive developments and movements which less moderate analysts see as mere palliatives. With Samuel Huntington and Charles Anderson as his guides into the arena of political development, he calls for "radical" change without violence or "upheaval," for "constructive revolution" unblemished by "anarchy, coups, or unorthodox changes in governmental leadership" (pp. 5-7). Orderly change is possible, he argues, if United States business as well as the government accepts it as necessary and ceases to pursue the goal of stability. This can be brought about through focusing upon the development of new social and political institutions which can function as "engines of change." It is in his emphasis upon the motivational and organizational factors in the developmental equation that Professor

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Lodge is most original and creative, if not entirely convincing in their operationalization. The military has the capacity, but lacks a commitment to change; the Church, or rather its left wing, does have purpose as well as some degree of power—particularly in conjunction with Christian Democratic parties; but it is foreign business interests and domestic entrepreneurs that Lodge singles out as the most powerful vehicles for organizational change. In particular, he fairly bubbles with zealous enthusiasm over the potential of "enterprises engaged in large-scale integrated commercial food production, processing, and distribution" (p. 282). At his most impassioned and eloquent, the author falls short of being fully persuasive on this point, at least to a reader who is already skeptical of his tendency to view much of Latin America as Veraguas, Panama, writ large. The searching reexamination of United States interests which ensues, however, is more solidly grounded and merits close attention. For this is no radical who concludes that "the total effect of the Alliance [for Progress] has been to solidify the status quo, to entrench the oligarchs, to heighten the obstacles to change" (p. 345). In his eyes, past administrations' reliance upon governments as presumed agents of development and reform was fundamentally misplaced.

Where Lodge's work is far-ranging, and frequently speculative, Wirth's is focused and disciplined. A fine example of the work of a group of serious young scholars who conducted their first field research in Brazil during the mid-1960s, *The Politics of Brazilian Development* is one of a half-dozen excellent historical monographs on twentieth-century Brazil published by the university presses of Stanford, Columbia, and Texas during 1969-70. Concerned originally with the origins and growth of Brazilian economic nationalism, this young Stanford historian has thoroughly researched basic governmental decisions regarding foreign trade in the mid-1930s, the establishment of a government-controlled steel industry in the early 1940s, and the creation of a state petroleum monopoly in the early 1950s. Wirth has admirably accomplished his first goal of relating these three issues "to the domestic and international political center of the times" (p. 2). Beyond this, he has met with substantial success in analyzing the policy-making process of the times. Unlike many of the scholars focusing upon the Vargas years, Professor Wirth possesses an adequate conception of the military's role in shaping and conditioning national policy as well as sufficient insight into the motivations and personalities of key figures to deflate political rhetoric and reduce the ideological factor to proper perspective. This reviewer has but two caveats to enter respecting Wirth's tight and tidy study. First, the author did not

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open up the framework of his original dissertation research sufficiently to fully accomodate the subsequent petroleum study, the only case which carries on into the postwar period. Largely as a result of this shortcoming, insufficient attention is paid to fundamental changes which were taking place in the political system, and the last Vargas administration (1951-54) appears too much as an extension of the 1930-46 period. On balance, however, this is an exceptionally good first book by a very promising young scholar.

RONALD M. SCHNEIDER
Queens College, City University of New York

The Army and Politics in Argentina, 1928-1945: From Yrigoyen to Perón *by Robert A. Potash. Stanford, Calif., Stanford University Press, 1969.—ix, 314 pp. $8.95.*

Students of political change, the armed forces, and Latin America in general have long recognized the manifold substantive and theoretical significance of twentieth-century Argentina. For all its cultural and economic "development," the country seems to have fallen into political "decay," at least insofar as allegedly democratic constitutional norms have generally yielded to openly authoritarian practices. From 1912 to 1930 civilians reached positions of national leadership through universal suffrage; from 1930 to the present military officers, sometimes elected and sometimes not, have held power about two-thirds of the time. This simple fact naturally raises basic questions about the political role of Argentina's armed forces since 1930. Why have Argentine officers taken such an active part in politics? How have civilians responded to their rule? How has military intervention affected the dynamics of political "decay"?

Robert A. Potash seeks to deal with such issues in this study of the Argentine army in 1928-45, the first of two volumes which will eventually cover the period up to 1966. The book's primary aim is more narrative than analytical: "to offer a new perspective for understanding the political history of this crucial period in which both the Argentine Army and the political process underwent major change" (p. viii).

Potash has clearly reached this goal. Through extensive use of personal interviews and diplomatic dispatches (mainly German and U.S.) as well as more common historical sources, he has compiled an extraordinary amount of solid and important information. The richness of

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the data in turn permits the portrayal of military leaders as human actors and not as professional automatons. Thus *The Army and Politics* acquires a degree of subtlety and flexibility which is often missing from formal theoretical models. The advantage of this approach is particularly apparent in Potash's treatment of the conflicting loyalties facing a military officer in times of political crisis, "to his own family, his in-laws, civilian politicians who cultivated his friendship, his closest comrades in the service, his direct superiors in his present post, and finally the laws and regulations that were supposed to govern military behavior" (p. 285). The stress upon informal cliques and political ties sharply challenges the widespread tendency to emphasize social origin and ideological indoctrination as determinants of military behavior.

One can still regret the author's evident reluctance to present generalizations of his own. Potash opens his book with the declared intention to "throw light . . . on the relations of the Army to politics under a variety of regimes" (p. viii), but does not go on to classify the various regimes in order to assess their differential effects upon the military in systematic fashion. A dichotomous and uncharacteristically rigid distinction between "military" and "civilian" rule underlies the eventual conclusion that electoral fraud in the 1930s nullified any possible return to an "effective civilian political system" (pp. 283-84), but there is no elaboration of this view. Elsewhere Potash argues that the hesitant behavior of General Eduardo J. Avalos "unbarred the door to Perón's return" to political action from imprisonment in 1945 (p. 281); one wonders if this observation refers merely to immediate historical circumstance or whether it is meant to suggest that Perón, but for Avalos, would never have reached ultimate power at all.

In a way the possibilities for generalization are limited by the book's focus. Aside from the reference to military mismanagement of elections, Potash makes little effort to judge the political and socio-economic consequences of military intervention. The task is difficult and delicate, of course, and the author explicitly disavows any intention of offering "a comprehensive history of Argentina in the period 1928-45" (p. viii). As it stands, the study deals mainly with the impact of politics *upon* and *within* the Argentine army rather than with the impact of the army upon politics.

PETER H. SMITH
University of Wisconsin

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Mexican Liberalism in the Age of Mora, 1821-1853 *by Charles A. Hale. New Haven, Conn., Yale University Press, 1968.—x, 347 pp. $10.00.*

This is a long, comprehensive book based upon years of research and honing of ideas. Best of all, it is a provocative book with a moderate tone that belies its depth of reasoned conviction. It is rich in bibliographical items culled from contemporary newspapers and pamphlets, and its footnotes will lead many to explore further the issues raised. It is, moreover, a scholar's book; its details will furnish ammunition for the current controversy over the dilemma of the meliorist, the liberal. For Mora and those of his generation who shared his perceptions and aspirations were prototypes of today's perplexed, thoughtful, and *engagé* reformers with indissoluble ties to the Establishment. Mora never forgot that he was a Mexican patrician—a postindependence or neocolonial *criollo*.

Hale opens with a presentation of the West European wellsprings of Mexico's early nineteenth-century liberalism in Locke, Helvetius, Bentham, and Jovellanos. He compares what he calls Mexico's medieval heritage derived from Spanish institutions modified in the New World framework with that of France and England. Then he turns to what, why, and how Mexican liberals after political independence borrowed from West European sources. Here he emphasizes first the controversy over political forms that filled Mexico's first decade of independence. The second part treats the liberals' view of society, their interpretation of North America as model and aggressor nation, and, finally, their conception of the largest single component of Mexican society, the Indian lower classes. Hale only by indirection suggests that Mora and his liberal generation dimly perceived by the 1840s that those controlling wealth and income in Mexico would not yield up gracefully their control of society and politics. Most of the liberals backed away from violence and social turmoil, leaving revolution to the next generation, the liberals of the *Reforma*.

So the book is largely about meliorists as epitomized by Mora, about those hopeful of change yet reluctant to unseat the class with which they were identified by birth, education, and broad interests—*hacendados* and their associates in commerce, mining, church establishment, and civil and military bureaucracy. By the mid-thirties they understood that political "engineering" via constitutional adjustments would not modernize Mexico and that only social "engineering" would ultimately create the framework of political modernization. But how to undertake social engineering in Mexico after centuries of Spanish colonial rule had entrenched powerful interests? "Radical" liberals like Lorenzo de Zavala

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ended by total commitment to the immigration of human elements of modernization, U. S. colonists, into Mexico's Texas. Texas for Zavala would stand as an " 'example for the other Mexican states which continue in the rut of semifeudalism.' " Yet his prescription for Mexico's backwardness was only more political engineering—federalism.

Mora's main virtue in pursuing the trajectory of his liberalism was consistency. In the 1820s his attitude toward the form of government (he was a centralist with faint federalist leanings), toward the church (he felt its property should be gradually disamortized), toward electoral systems (he favored indirect elections) and voter qualifications (he recommended voters have a minimum of 6,000 pesos of property)—all mark him as cautiously liberal or liberally conservative but not reactionary. Other liberals were more democratic and egalitarian, Zavala for example. Mora argued that ecclesiastical properties leased to Mexicans should not be thrown on the open market; rather, they should be sold on installment to current tenants. Small properties should be created only through colonization on unoccupied land since he judged it dangerous to force the sale and partition of large haciendas. Haciendas, Mora insisted in 1826, should not be forced to rent land to nearby landless Indian villagers.

Thus Mora thought of the European model of orderly change, which one may only interpret as his means of controlling the appearance in Mexico of competition and egalitarianism which would not only push Mexico toward prosperity, as Zavala argued, but push into prominence new social elements from below. Such a process would, Mora sensed, ultimately dislodge the Mexican neocolonial elite, the patricians. Characteristically, he did not oppose immigration, but insisted on Catholics, excluding Anglo-Protestants. After the conflict with the U. S., most Mexican liberals viewed the U. S. success—and Mexico's unexpected and astounding defeat—as an indictment of Mexico's immobilism. Conservatives saw the U. S. as a threat to Mexican culture and values. On this last point meliorist Mora and conservative Alaman agreed. In a time of great stress, the meliorists, not unpredictably, found a congenial home with the conservatives.

Consistent liberal of the *criollo* elite, close friend of the monarchist Gutierrez de Estrada and the mining family Fagoaga, Mora took a predictable position on Indian and communal property. The Indian was "backward and degraded," basically inferior. At a time of mounting pressure by *hacendados* seeking both Indian labor and land, Mora insisted that Indian municipalities own no property, for "there are no rights in society except those of individuals"—tantamount to saying the Indian was best only as a hacienda laborer. When liberal friends wrote Mora at Paris after serious Indian revolts in Mexico (1847-48), he replied

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that the "most urgent necessity is to repress the colored classes"—if necessary with the assistance of U. S. Army officers who volunteered their services. Hale puts it well: "It appears that Indian rebellion struck deeper fears in Mora than even the continued threat of the United States." Hale points out that the revolts were a reaction to laissez-faire liberalism, which legitimized stripping the Indian of his communal property. Of the two elements imbedded in liberalism, individualism and equality, Mora and his liberal counterparts preferred the former.

On finishing this volume, one understands Hale's introductory observation that "Mora is not precisely in the first rank of Mexican liberal heroes." Why Mexicans of the postrevolutionary decades of the twentieth century feel so is understandable. In view of liberalism's evolution under Porfirio Diaz, whom the Revolution of 1910 unseated, it is evident that Diaz's positivistic technicians had learned much from Mora and that today's Mexican technicians-in-government avoid association with a liberal who also subordinated the masses to the engine of progress.

Hale's principal conclusion stresses the affinity of Mora's liberalism with Spanish Bourbon policies of state direction of economic growth within an authoritarian political structure. Hale has overlooked the fact that the affinity was the product of Bourbon Spain's and postindependence Mexico's common imperatives: development without disturbing the structure of society. The alternatives seemed to be stagnation and externally applied aggression or internal revolution. Why the Mexican liberals of 1853 turned to force to produce social change has yet to be examined. But Hale's scholarly contribution permits us to understand how Mora's type of cautious liberal delayed that postcolonial revolution so long.

STANLEY J. STEIN
Princeton University

Black Intellectuals Come to Power: The Rise of Creole Nationalism in Trinidad and Tobago *by Ivar Oxaal. Cambridge, Mass., Schenkman Publishing Company, Inc., 1968.—xiii, 194 pp. $2.95.*

Social Change and Images of the Future: A Study of the Pursuit of Progress in Jamaica *by James A. Mau. Cambridge, Mass., Schenkman Publishing Company, Inc., 1968.—xiii, 145 pp. $5.95.*

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These very different volumes are the results of research on elites in two of the newly independent nations of the West Indies. Along with Wendell Bell's *The Democratic Revolution in the West Indies* and Charles Moskos's *The Sociology of Political Independence* (both published as part of the same series), they represent the major results of the U.C.L.A. West Indies Study Program of the early 1960s—which was directed by Bell, who now is the series editor for Schenkman.

In *Black Intellectuals Come to Power,* Oxaal deftly combines social history and personal biography with the analysis of social institutions in telling the story of independence in Trinidad and Tobago. The central figure in the story is Dr. Eric Williams. The early chapters of the book provide the background and the stage on which Williams, and a cast of minor characters, act out the drama of independence. Before any of the actors are introduced, however, the reader is made familiar with the island, its place in West Indian history, and the racial, religious, ethnic, and cultural diversity of its population.

The characters emerge from a discussion of educational opportunities made available by Great Britain to her West Indian colonies over the past century. An excellent school system was established, and a small number of students were provided the means to obtain advanced education at English universities. It was there that the foundations for the independence movement were laid. As "Island Scholars" in Great Britain, the West Indian students shared a unique experience. After finishing their courses, many returned to their islands to practice a profession. Some remained in England, while others went off to the United States, mostly as writers, intellectuals, and professionals. All, however, developed a considerable social awareness that transformed them into political actors concerned with the fate of their island homes.

The substance of the book is the story of how Williams and a handful of other Trinidadians who had studied abroad organized, educated, and led the island to political independence. The details, which make very interesting reading, should be looked at by students of social and political change.

The book ends on a note of pessimism when the author indicates that the self-determination long desired by Trinidadian intellectuals may not have been attained at all with political independence. Small island nations like Trinidad (politically independent or not) today are, for the most part, pawns moved by the industrial-military giants as the latter pursue their own ends. Under the leadership of Williams and the black intellectuals, Trinidad may have won its battle for political independence; however, because of the power and control of

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foreign corporations (mostly American), supported by the United States Departments of State and Defense, which dominate Trinidadian society, the war for self-determination and the ability to work out a set of social institutions that will achieve their own ends may be far from won.

Of the many criticisms of Mau's book, a primary one is his failure to take this point into consideration. The book presents the results of an attitude survey designed to answer the question: Are Jamaican elites optimistic or pessimistic about the future of the island and why. The assumption upon which the study is based is that the attitudes that people hold affect their choices of action and behavior. If Jamaica is now independent, Mau reasons, the attitudes of its leaders will affect the future course of events. If they are optimistic, they may be said to believe in progress and may be expected to act in ways that will bring into being the beliefs that they hold. As the author states it, "my contention [is] that belief in progress as an image of the future is important in shaping that future" (p. 9). The results of the study indicate that the so-called leaders (based on a sample of 54) are optimistic and also have most of the other attributes believed by the author to indicate a rosy future for the island.

After reading the argument, looking at the tables, going over the questions asked, and following the statistical analysis, this reviewer feels forced to ask: So what? It may be nice to know that some Jamaican politicians, business men, and the like think that things are going to improve. But I suggest that if the author or the reader is interested in the future of the people of Jamaica, he would do best to address his questions to those, such as the heads of the corporations, the relevant persons in the Departments of State and Defense, who actually hold the key to the island's future.

It may be satisfying to assume that since Jamaica or Trinidad or any one of a dozen other new nations are now independent, they, through their political leaders, control their own futures. If this were so, Mau's book might have some relevance. The sad fact is, however, that though political independence has given local elites a little more control than they have had in the past, they, and the people they represent, still have relatively little control over their own destinies.

Students of social, and political history, West Indian society, and developing nations will find Oxaal's book well worth looking at. The same cannot be said of Mau's effort.

SIDNEY M. GREENFIELD
The University of Wisconsin, Milwaukee

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Social Theory and African Tribal Organization: The Development of Socio-Legal Theory *by Kenneth S. Carlston. Urbana, University of Illinois Press, 1968.—xi, 462 pp. $10.00.*

This book consists of an opening section of 96 pages entitled "Theory of the Organization of Action," continues with accounts of thirteen African peoples, and concludes with a "Statement of Findings: Principles and Propositions," together with a final three pages on "Modern Implications."

The text begins with a generalized comment: "Man settles upon the land. He is a hunter, a tiller of the soil, a pastoralist." It continues, making use of many up-to-date references in the social sciences, to propound some broad points about man, religion, conflict, and law. Much of this exposition is of the following kind: "Religious behavior is symbolic behavior and may be affective or instrumental in character or both" (p. 14). The following chapter moves from exposition to "the level of propositions and principles in the description of social theory." These begin: "Selectivity in the evolution of living forms created man" (p. 65).

The next section, the bulk of the book, provides the data, which consists of summaries of thirteen of the best documented peoples of sub-Saharan Africa. Considering that the author is neither anthropologist nor Africanist, these are good in quality (though the opening sentence, "The Ashanti originally settled in their land as hunters," could be applied with similar accuracy to the Americans or the Russians). But these are just summaries, no more, no less.

The end of the book, which must constitute its rationale, consists of a further series of "principles and propositions," specified in the numerical form which some philosophers and social scientists assume will give cohesion to their thoughts: "1.1.2. Belief in supernatural power is manifested in a belief in a supreme god, gods, spirits, persons, and objects as instruments for bringing good or bad fortune: 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, App. B 1, 2, 3, 4, 5, 6, 7" (p. 384). It is possible that the elucidation of some of these "principles" (they are, I take it, summaries of summaries of ethnological studies) would serve some useful purpose were they treated as variables and were some effort made to explain (in one of the many available ways) their presence or their absence. It is difficult to see that the present statements are of much interest, since they do not appear to be relevant to specific hypotheses. The problem is a general one. The concern with social theory on this level seems arid to the reader and distracting to the author. Early writers on jurisprudence made a considerable contri-

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bution to what Vinogradoff called "comparative sociology" partly because they were interested in "theories of the middle range" and partly because they were interested in historical processes. Professor Carlston leaps straight from the structure of social action to studies of the Nuer and Tallensi, which have already heavily influenced the kind of theoretical considerations on which the author and his sociological mentors rely. I do not myself see much future in comparative study on this level, with "theory" and "data" standing as opposed as the literary critic's form and content. Essential as it is to develop comparative analysis, it is surely not necessary to adopt this intellectual apartheid between abstract theory and concrete data. Much more interpretation of the opposites must take place (and indeed has done so).

JACK GOODY
St. John's College, Cambridge

From War to War: the Arab-Israeli Confrontation, 1948-1967 *by Nadav Safran. New York, Pegasus, 1969.—xvii, 464 pp. $10.00.*

Safran, professor of government at Harvard University, is particularly qualified to write this study. He was born in Egypt, lived in Israel, and is fluent in both Arabic and Hebrew. He has kept abreast of developments in the area, visiting both Israel and Egypt in recent years. His book contains well organized information about the hostile relations between Israel and the Arab states, 1948-67, documented with statistics, comparative tables, maps, and an index (but no bibliography). It is his juxtaposition of the relevant facts and of the conflicting views, however, that is especially impressive. In drawing the different models, he tries to present the views of both sides, and he succeeds in analyzing them with remarkable objectivity—a rather uncommon feature in the recent spate of books on the subject.

This painstaking collection and collation of data makes interesting reading, partly because of the subject itself—the tragic clash of two nationalisms in the same area—and partly because of the way in which Safran unfolds this modern version of a classical tragedy, with all the parties being inexorably drawn to a bloody conflict. The super powers play the role of the gods, and Safran generously allocates to them much of the blame.

Safran's study deals with the evolution of the Arab-Israeli conflict; the pattern of inter-Arab relations; the big powers and the Middle East;

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the dynamics of the buildup of arms and armed forces; the crisis of May-June 1967; the Six Day War; the future of the Arab-Israeli conflict. Almost half of the book is about the 1967 war—its causes, course, and consequences. Some of the most intriguing questions inevitably go unanswered: Did Abd al-Nasir mean to go to war when he closed the Straits of Tiran—misjudging Israel—or was he bluffing? What is the real story of the *Liberty*? What precisely was the part played by the Israeli and Egyptian navies? How important are the Fath and similar groups? These puzzles, however, do not mar the absorbing account of how the uneasy peace gave way to armed conflict in 1967 and how this clash pitted the super powers in a parallel contest, albeit political rather than military.

One may differ with Safran in his "Conclusions: To War Again or to Peace at Last." Here he points out three future possibilities for the Egyptians: "1. Moving on to accept negotiations with Israel aiming at peace; 2. Deciding to attempt the recovery of lost territories by force; and 3. Sticking to the present intermediate course, but introducing new measures to entice or press the United States to loosen its support for Israel's position and accept something less than a complete peace settlement" (p. 418). Safran considers the third possibility as the most likely. There is also the not unlikely alternative, however, that the United States may not be content with "something less than a complete peace settlement," for then the clash would only be delayed, not averted. In that case, barring a surprise move, the present situation may well continue, with minor variations, for a considerable time, as each side hardens its attitude, thinking it can hold out longer than the other.

JACOB M. LANDAU
Hebrew University Jerusalem

The Arabs in Israel: A Political Study *by Jacob M. Landau. London, Oxford University Press, for the Royal Institute of International Affairs, 1969.—xiii, 300 pp. $9.95.*

One of the most dramatic yet least mentioned consequences of the events of 1947-48 was the transformation of the Arab majority in Palestine into an Arab minority in Israel. While the Palestinian refugees have attracted considerable attention and scholarly interest due, in part, to their plight and the role they were destined to play in the "grand

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politics" of the Middle East, the fate of their countrymen who stayed behind has remained rather obscure.

A few serious studies of the socio-economic aspects of the life of its Arab community appeared in Israel by the 1960s, but no systematic scholarly effort had been made to examine the minority's political activities. This gap has now been filled by Dr. Landau's meticulously researched and thoughtful work. In exploring this potentially explosive subject, the author, a professor at the Hebrew University and one of Israel's foremost political scientists, has investigated most of the available material ranging from official publications and press statements (in Hebrew and Arabic) to private reports and personal contacts with Israeli Arabs. (Most pertinent documents are reproduced in the appendixes; many appear in English for the first time.) Among the topics discussed are: adaptation versus alienation; cultural change and its impact on politics; political organizations; voting behavior in parliamentary, local, and trade union elections; leadership and the foci of political activity.

The volume's central theme is the alienation of the Arab community in Israel and the resulting repercussions on the minority's political orientation and activities. The pattern which emerges from Dr. Landau's study is utterly depressing; for the most part the Arabs have not been able to adjust psychologically to the status of a minority which, the author admits freely, is largely mistrusted and often discriminated against on both official and private levels. Their difficulties are compounded by the erosion of the traditional structure of the Arab community in Israel, manifesting itself, in part, in the increasing flow of peasants to the cities, the corresponding decline in the prestige and influence of the traditional political institutions in the villages, and the permanent settlement of the bedouins. In addition, through radio and television, the minority is constantly exposed to a barrage of anti-Israeli propaganda emanating from the surrounding Arab states. Dr. Landau deplores the alienation of the Arab community; the tenor of his argument is that harmony between the two segments of Israel's society must be established for the benefit of both.

In tackling this complex, difficult, and emotion-laden topic, Dr. Landau has displayed a great deal of courage and insight. While obviously having his own preferences, he set out to conduct his investigation in a balanced, unbiased manner and in the hope that "better knowledge of the subject will contribute to a rapproachement between Jews and Arabs" (p. xii). By pointing to the shortcomings which exist in the official, public, and private treatment of the Arabs in Israel, the author retains a remarkable degree of objectivity. Whether his work

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will achieve its stated purpose, however, is not up to Dr. Landau but to all those in and out of Israel who have been playing politics with the lives and fortunes of hundreds of thousands of innocent people and whose thinking has been marred by prejudices and hatred.

O. M. SMOLANSKY
Lehigh University

The Nadars of Tamilnad: The Political Culture of a Community in Change *by Robert L. Hardgrave Jr. Berkeley, University of California Press, 1969.—xiv, 314 pp. $8.75.*

Robert L. Hardgrave has produced a truly remarkable study. His explicit purpose has been to describe the modern folk of a particular Indian community, but his research tells us more about the dynamics of social and political change in India than can be found in more broadly ambitious studies. His title might suggest an obscure, esoteric, if not fictitious subject, rather than one of the soundest recent works on political development.

Combining conventional historical modes of analysis with extensive interviewing and a modification of the anthropologist's technique of participant observation, Hardgrave has been able to capture the stresses and adjustments that an Indian caste community has gone through as its own individuals and the larger Indian society surrounding it have experienced the economic and political consequences of British rule and independence.

The Nadars of 150 years ago were one of the lowest of castes, looked down upon by most of society as the toddy-tappers, whose job it was to climb the Palmyra palm trees. The introduction of Christian missions stimulated the Nadars to a greater degree of social and self consciousness. When the first opportunities for social and economic improvement were presented to them the Nadars were found not to be lacking in ambition.

At first, the Nadars who improved their economic conditions sought to emulate the patterns of high caste behavior. At this stage they were prepared to accept much of Hindu traditions and only sought to raise the relative social ranking of their caste. When the higher castes refused to allow them to adopt a more Brahminical lifestyle, the Nadars reluctantly broke from this tradition and vigorously accepted more "modern" life styles. Thus, "their pretensions" ended

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in ridicule and failure. The Nadars then turned from the emulation of "twice-born" cultural models to the pursuit of secular economic and political goals.

Their caste associations became a remarkable agent of community integration and mobilization, and what once was a reflection of religious sentiments became an essentially modern interest group organization. The shrewd political judgments of the community's leaders brought even greater influence and security to the community as a whole. At the same time the increasing trend toward secularization of the community produced greater differentiation which in turn made it possible for individuals to break into new occupations and endeavors. Thus, this community that was once near the bottom of Indian society is now represented by adventuresome businessmen, highly educated professional men, and powerful politicians, including Kamaraj, who was once thought of as one of the most powerful men in all of Indian politics.

Professor Hardgrave has in this volume made a great contribution to not only our knowledge of Indian politics, but to our general understanding of the relationships between social and economic change and political life. All students of political development can learn a great deal from this valuable book.

LUCIAN W. PYE
Massachusetts Institute of Technology

Higher Civil Servants in Postwar Japan: Their Social Origins, Educational Backgrounds, and Career Patterns *by Akira Kubota. Princeton, N. J., Princeton University Press, 1969.—xv, 197 pp. $9.00.*

This book is by far the most illuminating study of Japan's postwar bureaucracy that has appeared in English. The author has provided us with badly needed empirical data against which the standard impressionistic judgments can be measured. This study is the second of a three-volume series sponsored by the Political Modernization of Japan Project of the University of Michigan's Center for Japanese Studies. The series will constitute a study of the modern century of Japan's bureaucracy, dating from about 1870.

The author has studied the records of 1,353 civil servants of the rank

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of section chief and above from a "core" of the prime minister's office and about twelve ministries of the executive branch and a "periphery" of the Board of Audit, the National Personnel Authority, the Imperial Household Ministry, and Japan's embassies and legations. His data are drawn from the official registers of officials of 1949, 1954, and 1959. The principal subtopics dealt with are: prefectural and regional origins, urban-rural distribution, careers of fathers and fathers-in-law, age distribution, class status, higher schools and universities attended, undergraduate academic specializations, nonbureaucratic career backgrounds, promotion, retirement, and postretirement occupation. The results are set forth in 46 tables, 14 figures, and a text distinguished by admirable brevity and clarity.

Although the author concentrates on his empirical data, he also contributes solid generalizations which further our understanding of Japan's bureaucracy. For example, he raises substantial doubt about the real significance of the old school tie (or *gakubatsu*) in Japan's bureaucracy. While his data substantiate beyond question the long known fact that Tokyo Imperial University graduates have dominated the bureaucracy (in 1959 almost 70 per cent of his "core" sample were from the former Imperial University), he points out that this is not as important as "patterns of association based on common professional and career experiences and interests" in the development of bureaucratic solidarity.

Dr. Kubota also takes Japanese critics of their bureaucracy mildly to task for their consistent denunciations. While agreeing that there is an element of truth in the standard criticisms (red tape, legalism, inefficiency, and corruption), he makes an obvious and undeniable point: "this group has been remarkably successful in administering a major nation and in implementing a large number of important social and economic policies" (p. 173).

Overall, this book is an excellent analysis of the selected characteristics of the upper bureaucracy augmented by the author's shrewd and well founded comments about both those characteristics and the bureaucracy in general. The focus is extremely sharp, but narrow, for the author deliberately chose not to attempt the herculean task of producing a full-scale study of Japan's contemporary bureaucracy. But that still needed detailed study would be impossible without such books as this.

JOHN M. MAKI
University of Massachusetts

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Kronstadt 1921 *by Paul Avrich. Princeton, N. J., Princeton University Press, 1970.—xi, 271 pp. $8.50.*

In *Kronstadt 1921* Paul Avrich, whose province is the history of Russian anarchism, has set his sights upon a rewarding target. He has turned out a labor of love, judging by his repeated insistence that the rising of the sailors of the Petrograd naval base against "Jewish commissarocracy" was at bottom an anarchist-populist explosion. Utilizing almost every attainable source, Professor Avrich's glowing narrative is the most complete account to date of this episode, a *cause célèbre* of anarchism, containing, as it does, most of the elements typifying the revolutionary traditions of Bakunin's native land. Trotsky, a brutal man, emerges as the villain in this saga of peasant recruits struggling for elementary freedom against a regime that had come to power in the name of the soviets—that is, the people. The author's careful presentation of evidence does not overlook the Ukrainian nationality of the principal leaders and most of the rank and file of the rebellion. But, having found many exciting clues to a possible reinterpretation, he chooses not to pursue them, apparently satisfied to view the eruption of 1921 as part of a pattern leading from the seventeenth- and eighteenth-century serf revolts headed by Razin and Pugachev to the Kronstadt violence of 1905 and most notably of 1917, when, in Trotsky's words, the Kronstadt sailors became "the pride and glory" of the revolution. The author's approach bears the stamp of obvious scholarly authority and this objection may seem a quibble. But I believe that this book about the crews of the battleships *Petropavlovsk* and *Sevastopol* would have been more firmly anchored in its historical moorings had it come to grips with the issue of Ukrainian dissatisfaction. The Kronstadt rising was certainly rooted in a venerable tradition of popular hostility toward any and all ruling groups. But Avrich, who fully understands the importance of the frontiersman spirit in this tradition, might have offered us a chapter or two on Kronstadt as part of a protracted Ukrainian anti-Bolshevik struggle with roots in the tsarist period. Other milestones in this path of travail were the Left S.R. rising (July 1918), the *Makhnovshchina* (Nestor Makhno's peasant guerilla actions), so well described by Avrich in the *Russian Review* (July 1968), the desperate fight of Ukrainian peasants against Stalin's collectivization program in the 1930s, the World War Two collaboration of Ukrainians with Nazis, out of which grew the Ukrainian emigré movement, and the postwar Bandera and Chornovil chapters of this ongoing story. The major movements against Soviet oppression to date have all been national-liberationist in

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character—Jewish, Baltic, Finnish, Hungarian, Czechoslovak, and, of course, Ukrainian. Kronstadt deserves to be treated not only as a primitive anarchistic reaction to Communist autocracy, but also as a nationalist anti-Russian venture.

STANLEY W. PAGE
City College, City University of New York

Communist Party Membership in the U.S.S.R., 1917-1967 *by T. H. Rigby. Princeton, N. J., Princeton University Press, 1968.—xviii, 573 pp. $15.00.*

Professor Rigby, of the Australian National University, has undertaken a formidable task: to make a detailed analysis of trends in the size and composition of the Communist party of the Soviet Union. His chief handicap, of course, is the paucity of data for the last four of the five decades he is concerned with. To supplement the information that has long been available in the central press and in statistical compilations published in the 1920s, he has assiduously combed the regional press and the regional party histories published since 1960, and he has made skillful extrapolations from what he found. The result is occasionally benumbing, but it is surely the most comprehensive collection that we have of figures on the subject. Nevertheless, crucial gaps remain, and the author does not pretend otherwise. Indeed, one conclusion that can be drawn from his work is that the seeming flood of data that has come from the Soviet Union since Stalin's death is still grossly inadequate to a full understanding of the Soviet system.

More than half of the book is devoted to a chronological history of the total size of the party and of its "class" composition. The general picture here is a fairly familiar one—long-term growth in turbulent cycles of expansion and contraction—though Professor Rigby provides some interesting new details, for example, on the intimate links between recruitment patterns and the post-Leninist struggles for leadership, on the actual magnitude of the shift toward recruitment of white-collar and intelligentsia elements in the 1930s and 1940s, and on the extent to which restricted recruitment policies led to a reduction in the membership of workers and peasants. It is disappointing, however, to find no discussion of the early controversies within the party about how the "class" position of applicants for membership was to be defined. Professor Rigby is aware of obscurities in the definition, but he

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treats them merely as limitations on the validity of his figures, not as the revealing glimpses which they are into the party's attitudes toward its members. Similarly, and even more surprisingly, he nowhere mentions the establishment of the applicant category of "former members of other parties," which took precedence over "class" designations and proved to be the hardiest of all applicant categories.

The six chapters prior to the concluding one deal with "special aspects" of party composition: length of service, age, and sex; nationality; education; occupation; party representation in the Komsomol, trade unions, and soviets; and rural-urban and geographical distribution of party members. There is nothing like systematic data in any of these cases, but by resorting to some ingenious devices, the author is able to sketch a fairly convincing outline.

In his final chapter, Professor Rigby interprets his findings in the light of Gabriel Almond's functional framework, which he introduces and modifies (with, I think, considerable improvement over the original) in his opening chapter. Stated with a brevity that does him injustice, his major conclusions are that—given party doctrine and the imperatives of industrialization—the functions of rule, maintaining order, and policy making, in particular, require the party to grow rapidly among the "elites," which are themselves the most rapidly growing sectors of the population, while its functions of legitimation and identification require this growth to be balanced by heavy intake from the "masses"; and that there is consequently a built-in pressure for continuous expansion. He poses, therefore, a provocative question: in the face of such growth, can the party retain its "mystique," or "the credibility of its claim to be in some sense the continuation of Lenin's chosen band of professional revolutionaries"?

ROBERT A. FELDMESSER
Educational Testing Service
Princeton, New Jersey

The French Republic under Cavaignac, 1848 *by Frederick A. de Luna. Princeton, N.J., Princeton University Press, 1969.—ix, 451 pp. $13.50.*

If, in the style of *1066 and All That*, one were trying to list what happened in France in the year 1848, the "memorable" events would be the February Revolution, which pushed Louis Philippe off the throne; the

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June Days, proclaimed by Marx as the first modern proletarian war; and the election in December of Louis Napoleon as president of the Second Republic. As for the period between June and December, this is not a "memorable" time. France was ruled during these months by General Eugene Cavaignac, misbranded by Marx as an authoritarian martinet and selectively forgotten by most other historians. So it was time for a new study, now provided by Frederick de Luna. From his work emerges a more attractive character for Cavaignac and an enlarged view of the social concerns of the Second Republic. Far from having been a plain exponent of Law and Order, Cavaignac turns out to have been devoted to democratic processes and one who wished the government to engage in more active benevolence than any other nation of Europe. His stated purpose was that "the Republic will prevent the poor from being eaten up by the rich." In this he was supported by the Constituent Assembly, which sat during his whole term of office and which drafted a constitution incorporating five out of six demands that the English Chartists were unsuccessfully pressing across the Channel.

De Luna is dissatisfied with the traditional polarization of these republicans into moderates or radicals—as posed by Donald McKay and others—since he finds a spectrum of views in the Assembly and wants at the very least to insert a large group between the purely political republicans and the near socialists—a middle group consisting of those who rejected laissez faire *and* socialism, but who wanted a welfare state.

To make his reassessments, de Luna uses, and uses well, a variety of unworked source material, notably Cavaignac's letters to his mother over a long period of years, which give much evidence about his character and motives. He also examines the biographies of the members of the Assembly, finding most of them to have been old-line monarchists only recently turned republican, with (interestingly) very few Bonapartists. As for the few old-time republicans, those whose principles had never wavered, of which the Cavaignac family was representative, de Luna has written a most interesting section on this party's pre-1848 press. Lastly, he makes excellent use of the debates in the Assembly itself.

All this constitutes a considerable addition to our understanding of the period. The author is a careful writer who does not overstate his facts. Perhaps he would have liked to reverse the common view and made Cavaignac a "memorable" man, but he knows this cannot be done. Nor can history erase the bitterness that was created by the treatment of the June insurgents in spite of de Luna's assertion that the repression was far milder than that after Napoleon's coup d'état of 1851 or after the Commune in 1871. And one remembers that for all the parliamentary talk in the Constituent Assembly, France overwhelmingly chose for its presi-

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dent, not the upright democrat who wished to help the poor, but the Man of Order who glamorized dictatorship.

PRISCILLA ROBERTSON
Kentucky Southern College

The Political Thought of John Locke: An Historical Account of the Argument of the "Two Treatises of Government" *by John Dunn. Cambridge, Cambridge University Press, 1969.—xiii, 290 pp. $10.00.*

This new study of John Locke attempts to place the political thought of the philosopher in the context of the times and of his neuroses and Calvinist upbringing. Parts I and II, containing seven chapters, deal with the "problem" and with Locke's "Developing Mind" as revealed in the Lovelace Manuscripts at Oxford and in the *Two Tracts on Government* recently published by Philip Abram (Cambridge, 1967). These early works and the relation of the more famous *Treatises* to the crises of the Exclusion in 1679 and the Revolution in 1688-89 are analyzed. Part III in seven more chapters examines "The Premise of the Argument," the state of nature, the conditions of resistance, and other kindred topics. "The Coherence of a Mind" occupies Part IV and "Conclusions," Part V. A brief bibliography and index complete the book. Mr. Dunn has amply annotated the text with extensive quotations from manuscripts, published writings by Locke, and citations from many commentators on these—notably, *inter alia*, C. B. Macpherson, R. W. Cox, and John Plamenatz.

No one who wants to study controversies about Locke's political theory can afford to neglect the material presented here. Mr. Dunn does not always clarify matters, but he describes at length and debates various explanations and surmises. At times he seems to tilt at windmills, as, for example, in his reiterated questioning of why Locke was not Hobbes, where surely the relationship between the two is well enough known and the distinction between them sufficiently apparent to render redundant such prolonged examination. But Mr. Dunn is convinced of the incoherence of Locke's thought unless the propositions outlined by him are accepted. Inconsistencies in the writings are indubitable, but these are perhaps less important than their total impact on contemporary and eighteenth-century thought.

Locke believed in God, a Calvinistical deity, if Mr. Dunn is to be believed, and in the Puritan doctrine of the calling, these being the

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reasons which make Locke's own politics acceptable to himself. "Theology was a key to a coherent understanding of human existence" (p. 263), a true enough statement, but, as interpreted by Mr. Dunn, it cannot, I think, make sense to students of late seventeenth-century religious thought. Men believed in God; scientific discovery had on the whole confirmed rather than shaken that belief, but they increasingly thought of the Deity in terms dictated by the pursuit of reason. Not all like John Hales had said goodbye to Calvin at Dort, but most members of Locke's own circle had certainly left the Genevan fold.

This is a very interesting if perverse monograph; much can be learned from it, though not the final word on Locke's political philosophy. Mr. Dunn is articulate, informed, and inventive, but he has overstated the argument, and in spite of his subtitle, he has rather understated contemporary circumstance where status, calling, God, a need for labor, and a search for causes were the concern not only of Englishmen of Puritan upbringing, but of continentals of very different background. Locke must be examined in a European context of a general crisis of conscience, shared by many of his thoughtful contemporaries.

CAROLINE ROBBINS
Bryn Mawr College

The Transatlantic Persuasion: The Liberal-Democratic Mind in the Age of Gladstone *by Robert Kelley. New York, Alfred A. Knopf, 1969.—xxii, 433 pp. $8.95.*

Professor Kelley's book has an ambitious objective: nothing less than to describe and explain the state of mind that characterized the Liberal parties of Great Britain and Canada and the Democratic party of the United States during the nineteenth century. He goes about his task with a twofold strategy. First he describes the intellectual sources of the Liberal-Democratic tradition; then he sorts out the issues and the constituencies that made this persuasion so powerful a political force in three nations.

Four seminal figures provided the ideological sustenance for the Liberal-Democratic mind. From Adam Smith came the vision of a dynamic economy, freeing itself from the trammels of special privilege. Edmund Burke stressed legalistic, evolutionary change, a politics of principle, and Irish and American self-determination. Thomas Jefferson provided the themes of social conflict between small producer and

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vested interest, anticlericalism, and localistic hostility to centralized authority. Finally, William Gladstone contributed a political tradition of religious moralism applying itself to a wide range of social, economic, and diplomatic issues.

The author then traces the working out of this Liberal-Democratic inheritance in a variety of political settings: Gladstone's Liberals; the Democratic party of Tilden and Cleveland; the Canadian Liberal party of George Brown and Alexander Mackenzie. He finds common elements in the Democratic-Liberal persuasion: outsider groups and regions (the Irish, the Scots, the American South, French Canada); traditional rather than evangelical Protestantism (most notably in the case of Grover Cleveland); economic interests concerned more with the movement than with the manufucture of goods.

I am filled with admiration for the breadth of Mr. Kelley's historical vision and for the vigor and authority with which he makes his case. His book is full of insights and should help to free nineteenth-century Anglo-American political history from the parochial bonds by which it has been for so long confined.

The book's major difficulty is one inherent to comparative history: a tendency to stress transnational similarities and to slight the persistent reality of cultural exceptionalism. When Mr. Kelley dwells on the similarities between Burke and Jefferson, his argument loses much of its headway. He speaks of the Liberal-Democratic hostility to evangelical Protestantism, its appeal to freethinkers, and the centrality of the corruption issue to its political outlook. But then what do we do with the distinctly evangelical Gladstone? Or with the leading American atheist of the time, Robert G. Ingersoll, who was a prominent Republican spokesman? Or with Democratic Tammany, for long the archetype of political corruption?

Mr. Kelley's severest problem is with the fact that, at least during the 1850s and the 1860s, the Republicans far more than the Democrats appeared to be the American counterparts of Gladstone's Liberals. (*Harper's Weekly* in 1868 equated the Gladstone and Republican political triumphs of that year: "the elections in England like those in this country, have been carried by the 'Liberals,' by the great non-landholding class.") Surely something is awry when Abraham Lincoln wins almost no mention in a discussion of nineteenth-century liberalism. The fact of the matter is that liberalism burst the bounds of party to become the dominant political value system of the time.

But these are relatively minor cavils when set against the totality of Mr. Kelley's achievement. His book should be valued for what it is: a powerful pioneering statement that helps to restore politics to its

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rightful place as one of the most significant—and most complex—social processes in the nineteenth-century Anglo-American world.

MORTON KELLER
Brandeis University

John Morley: Liberal Intellectual in Politics *by D. A. Hamer. Oxford, Clarendon Press, 1968.—xi, 412 pp. $9.00.*

John Morley was the avatar of Gladstonian liberalism, as this study confirms. During the twenty years after Gladstone's retirement, Morley above all others upheld the principles of anti-imperialism, anti-socialism, and justice for Ireland. Morley's liberalism, unlike Gladstone's, rested on a secular, even anticlerical, foundation. And the author shows how Morley's youthful search for an intellectually satisfactory substitute for his lost faith led him first to Comte and then to Mill. In middle age, with a kind of open-minded resignation, he adopted the view that he must "leave the region of things unknowable, and hold fast to the duty that lies nearest," as Carlyle put it.

Morley's earliest crisis, his break with his father, who intended him for the Church, is explained clearly here. Compelled to break off his university education, Morley eked out a living as a journalist in London. This much family history is deemed relevant to the intellectual's career. No one could suppose from this study that Morley ever married, far less that his wife was considered a political liability, especially for one with aspirations to the Foreign Office. The aspirations are noted; the wife is never mentioned.

Indeed, recent works that bear upon the Round Table conferences of 1887, the character of Morley's own constituencies, and the intraparty struggle after Gladstone retired (in that order), while mentioned in the bibliography, have no visible impact upon the text. Contrariwise, R. J. Moore's *Liberalism and Indian Politics, 1872-1922* appears in the text but not in the bibliography.

Difficulties of focus and emphasis are bound to plague any study of one who wrote the lives of Diderot, Burke, Cobden, and Gladstone, while intermittently in Parliament and eventually chief secretary for Ireland and secretary of state for India. For the most part, the intellectual rather than the politician absorbs the author. There are some sharp, clear comments on Morley's determination to give Chamberlain the worst of it in the course of the Round Table discussions. And we truly share the elegiac

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mood of the older, retired Morley, regretting his opposition to the "eight hours" bill and pleading his sincerity to the cold comfort front of Beatrice Webb.

Perhaps the most useful sections for the general reader will prove to be the first few chapters (pp. 1-111) and the last (pp. 329-85). No one should miss the all-too-brief quotations from Morley's commonplace book. Nor will anyone doubt that Mr. Hamer understands Morley.

BARRY MCGILL
Oberlin College

Imperial Sunset, Vol. I: Britain's Liberal Empire, 1897-1921 *by Max Beloff. New York, Alfred Knopf, 1970.—xii, 387 pp. $8.95.*

Great Britain's retreat from empire has occasioned a spate of historical studies, some vindictive, some nostalgic, some defensive, each in its own way as much a commentary upon Britain's contemporary status as upon the phenomena it investigates. The first volume of Max Beloff's appraisal is certainly among the most thoughtful and incisive. Based upon a commanding range of primary and secondary sources, it provides a useful corrective to popular impressions as well as to views that have been advanced by a variety of scholars, including Arno Mayer and A. P. Thornton. As one would expect of the Gladstone Professor of Government and Public Administration, he disputes the Disraelian notion of a "Tory Empire" and concentrates instead upon the fundamentally Liberal concepts and institutions upon which imperial rule rested. Weakened from the start by ideological contradictions, the Liberal empire was further afflicted by such centrifugal forces as dominion nationalism, competing trade policies, and incompatible defense needs. Britain's reliance upon Japanese seapower in the Pacific, for example, antagonized the dominions at the same time that it seriously complicated relations with the United States, for whose meaningful cooperation successive British governments strove in vain. And Britain's growing involvement with Europe, economic and strategic, also loosened the bonds of empire. In all cases, these were long and steady processes. Professor Beloff opens his study in 1897, the year of Victoria's Diamond Jubilee, when already "the Empire was so diverse and the environment and upbringing of its leaders so different from country to country that the problems of cooperation were not much less than those that existed between Britain and certain foreign

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countries" (p. 69). He concludes the present volume in 1921, when the forces of disintegration, not yet altogether apparent, had done their work. In that year, he reminds us, "the sight of a coloured person in the street would have been sufficiently uncommon to cause a child to stare" (p. 358n); "Major Clement Attlee was mayor of Stepney, Captain Harold Macmillan was working in the family business, and Harold Wilson was five years old" (p. 361n). But Indian national aspirations could no longer be ignored, the "winds of change" had already gathered momentum, and the East of Suez issue had, in effect, been settled. Meanwhile, the men who would eventually preside over the liquidation of the British empire could bask a while longer in the glow of the imperial sunset.

STEPHEN E. KOSS
Barnard College

Baldwin: A Biography *by Keith Middlemas and John Barnes. New York, The Macmillan Company, 1970.—xvii, 1149 pp. $14.95.*

A new biography of Stanley Baldwin was needed. Perhaps the reputation of no other prime minister has suffered so badly and so undeservedly. When he died, Great Britain had just emerged from a war for survival, produced largely by an unpreparedness for which all parties were responsible but which was blamed on Baldwin more than on any other leader except Neville Chamberlain. Chamberlain had the good fortune to die in 1940, but Baldwin lingered on until 1947, an object of public execration in his declining years.

On top of this, Baldwin was unfortunate in his "official" biographer. G.M. Young apparently grew bored or disillusioned with his subject, and, as a result, produced only a thin and inadequate study, one that portrayed the statesman who had dominated British politics in the twenties as an indolent, indecisive, and nerve-wracked man. A subsequent volume by the former prime minister's younger son, A.W. Baldwin, tried to correct this judgment, but, of course, was less widely read than its debunking predecessor.

As if this were not enough, the index to the first volume of Winston Churchill's "history" of World War II contains a famous entry: "Baldwin confesses to putting Party before the country." This reference to one of Baldwin's most misunderstood speeches was erroneous in its interpretation and devastating in its impact. Ever since, the

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capsule picture of Baldwin held by most people who think about these matters has been composed in about equal parts of Young and Churchill. It is an image of a somnolent and mediocre politician who, when pressed, blandly admitted that he had been willing to see his country's defenses decay rather than to suffer defeat in an election.

This is not the picture that one finds in Middlemas and Barnes. So far from neglecting armaments, they argue, Baldwin was "at the very heart of every major advance in rearmament"; and they document their conclusion with elaborate detail. The charge of indolence is disproved by the way in which he handled the General Strike of 1926. Baldwin was a man who relished crises and rose to them. In between he relaxed and gave an impression of lethargy. With him, delay was often a matter of policy, for he was a "ruminant" (as Thomas Jones said) and his superb sense of timing made him wait for the right moment before taking action. It was a matter of policy, too, that he allowed departmental ministers so much freedom from supervision. He believed in picking the best man and then letting him get on with the job. At the same time, his influence "was so subtle and pervasive that it affected almost all departments of government" (p. xiv); "Macmillan modelled his style on Baldwin's and, oddly enough, the nearest parallel in the manner of conducting business is that of Disraeli" (p. 484).

Middlemas and Barnes have had access to nearly all the Cabinet and departmental papers (not those on the abdication of Edward VIII) for the period 1922-37. They have also used a wide range of private papers, especially those of Baldwin's close friends Lord and Lady Davidson and Dr. Thomas Jones, as well as, of course, a multitude of more common sources. They are indefatigable researchers.

Indeed, their industry is almost excessive. It was right that the life of Baldwin should be written again at length and sympathetically. But the authors have probably cut down the number of their readers by doing so for 1,100 closely printed pages. The general reader is apt to conclude that Middlemas and Barnes have told him more that he cares to know about Stanley Baldwin and his times. Yet the narrative becomes absorbing when concerned with such events of great human interest as the Abdication of 1936 and the St. George's by-election of 1931; and the detailed, almost day-by-day review of political developments should please scholars, at least, by the light it throws on the way decisions are made.

It is clear that Stanley Baldwin was an immensely significant prime minister. He eased the process of incorporating the Labour party into the parliamentary system and of the labor movement into British society. He taught the Conservative party how to survive in the twentieth-

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century world of planning, social reform, and state intervention. Perhaps he was more nearly indispensable even than Winston Churchill. The world was thrilled by Churchill's matchless oratory and his wonderful performance as the embodiment of John Bull. Yet almost certainly the British people would have stood firm in 1940 under a lesser leader. But what statesman other than Stanley Baldwin could have made social peace in the twenties? Justice is at last done to him in this superb, though perhaps overlong, life. It is indispensable for the understanding of twentieth-century Britain.

THOMAS P. PEARDON
Barnard College

Labour's International Policy: The Labour Party in the 1930's by John F. Naylor. Boston, Houghton Mifflin Company, 1969.—viii, 380 pp. $7.50.

There are two rival myths about the reason for the failure of British foreign policy in the 1930s: one, that the national government was entirely to blame for not realizing the necessity to resist German aggression which had already been accepted by public opinion and the Labour Opposition; the other, that the Opposition by reason of its hostility to rearmament and its success in playing upon the weaknesses of public opinion left the government with no alternative but to go slow in rearmament and hence to pursue a policy of "appeasement." Professor John F. Naylor is, if not the first critic of both of these myths, at any rate one of the most thorough exponents of their inaccuracy. Although he maintains that the bulk of the Labour Opposition woke up to the need for resistance and rearmament well before the end of "appeasement," he is under no illusions about the continuity of pacifist feelings in the Labour ranks throughout the period. It is evident that he sympathizes with Sir John Simon's complaint that those who thought they could adopt collective security without needing to rearm were like the man in the "Hunting of the Snark" who "At charity meetings stands at the door/ And collects—though he does not subscribe."

Mr. Naylor's narrative of events is eminently fair-minded, and he seems to have traced the course of development of Labour policy as carefully as can be done from the printed sources. It is a pity that he was unable to obtain more than a very few private or unpublished papers, because this makes his work compare unfavorably with recent books on

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the 1920s and on the second Labour government. But this was his misfortune rather than his fault, and in any case the main lines of the story are clear enough. It was Ernest Bevin and Walter Citrine, the two leading trade-union officials of the time, who with the support of Hugh Dalton gradually won the party to a policy of rearmament. They were opposed by the leaders of the intellectual Left, such as Stafford Cripps and Aneurin Bevan, and by a rearguard of pacifists under George Lansbury. Clement Attlee and Herbert Morrison were inclined to temporize and compromise. The narrative would have been a good deal more intelligible if the author had provided an opening analysis of the power structure of the party and of the way in which policy was formulated, perhaps along the lines indicated in the excellent contemporary work by Dean E. McHenry (which for some reason does not even appear in Mr. Naylor's bibliography). As the conclusion is also very abrupt, the reader is left to draw his own moral from the story. Consequently, the book must be adjudged more helpful to the student who already knows a good deal about the history of the Labour party than to anyone approaching the subject for the first time.

HENRY PELLING
St. John's College, Cambridge

The People's War, Britain *1939-1945 by Angus Calder. New York, Pantheon Books, 1969.—656 pp. $8.95.*

Tides of Fortune: *1945-1955 by Harold Macmillan. New York, Harper and Row, 1969.—xxii, 729 pp. $15.00.*

Policy-Making in Britain. A Reader in Government *edited by Richard Rose. New York, The Free Press, 1969.—xv, 375 pp. $9.95.*

Writing during the Blitz, J. B. Priestley observed that the circumstances of wartime life "favour a sharply democratic outlook. Men and women with a gift for leadership now turn up in unexpected places. The new ordeals blast away the old shams. Britain, which in the years immediately before this war was rapidly losing such democratic virtues as it possessed, is now being bombed and burned into democracy." Angus Calder's richly textured, superbly evocative history of the impact of the Second World War in Britain can be read fruitfully as a generally approving yet critical assessment of Priestley's observation.

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The most fundamental normative tension in British social and political life is generated by two competing valuations of the role of class and nation, the image of the united national family and the class image of "us" and "them." Calder's central theme is the ironic wartime interplay of these outlooks, ironic because the national image was dominant in this period, yet the least fortunate members of the national family, comprising the majority of the population, increasingly adopted class-competitive views that were expressed electorally in the Labour landslide of 1945. The national exigencies of the moment partially obscured but did not eliminate class grievance and conflict. "It would be quite wrong," Calder cautions, "to suppose that, confronted with a common enemy, management and workers had buried their hatchets." The housing gap between rich and poor widened during the war; rationing worked to the disadvantage of the working class; the armed forces were marked by institutionalized class privilege. Although strikes were outlawed, by 1942 the prewar total of man days lost to industry through strikes was exceeded. As early as December 1942 a sample survey revealed that one in three had changed their political views as a result of the war. Within a fortnight of the publication of the Beveridge report on the social services, Gallup found that nineteen of twenty had heard of the report and nine of ten supported it.

The movement of opinion to the Left during the war is usually explained by stressing that the mass of the population expected their wartime sacrifices to be rewarded. This future-oriented explanation, Calder notes, is incomplete. The first two years of the war revealed starkly the inadequacies of the preparation for war—arms were scarce, evacuation schemes hopelessly disorganized, the physical toll frightfully high. "The 'old gang,' the old system, the 'Old World' (as men came to call it) had failed. At a time of mass unemployment, the system had not produced the arms to defeat Hitler. . . . Hatred focused on Chamberlain, Hoare, Simon, and beyond them the Conservative Party." Thus Churchill, a party outcast in the 1930s, could serve as a unity leader by transcending party divisions. He was accepted, often with adoration, as a national wartime leader, but was rejected in 1945 as Conservative leader. "The public," Harold Macmillan perceptively notes in his third volume of memoirs, "wished to thank him for what he had done for them; and in that all were sincere. But this did not mean that they wished to entrust him and his Tory colleagues with the conduct of their lives in the years that were to follow."

Like the man, Macmillan's memoirs are a bit foggy; they sometimes

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obscure more than they reveal. But *Tides of Fortune* makes rewarding reading, for here the tone, as much as the content, is the message. Macmillan's off-hand comment, for instance, that in 1945 "canvassing street by street seemed not merely novel but somewhat distasteful" reveals as much as countless academic tracts on elite-mass Conservative party relationships. The book is enlivened by dry, incisive personality portraits. Unlike many in the Labour party who saw Harold Wilson as a passionate Bevanite, Macmillan in 1951 more correctly assessed him as "a cool and calculating rebel."

The chapters on "The Conservative Revival" and "The Decline and Fall of Labour" are the most significant for students of British party politics. Here Macmillan describes the intellectual and programmatic revitalization of his party, based on its acceptance of limited nationalization, state intervention in the economy, and the welfare state. In content, this approach did not differ very much from the program of the Attlee government. There were, however, important differences in style and nuance. For Macmillan, and other progressive Tories, the aim was to dampen class antagonisms: "The British tradition . . . rejects the inevitability of class war and insists upon the essential unity of the nation." Though its program was muted, for the Labour party, class still counted quite differently.

Readers aimed at student audiences, like memoirs, suffer from endemic faults. Most are "insta-books" with little scholarly merit or justification. Happily, Richard Rose's reader on policymaking avoids most of the pitfalls. As a companion to the editor's *Studies in British Politics*, it aims to bring together relatively inaccessible analytical pieces which meet the criteria of "quality, relevance, permanence." That the material—which is admirably organized under the four rubrics of political recruitment, political roles, case studies in public policy, and the policy process—often does not come up to the high standard aimed at reflects on the limited achievements to date of political scientists writing about Britain rather than on the editor who has culled some of the best articles written on British politics. A good bibliography is appended, which will aid students who utilize this useful collection.

IRA KATZNELSON
Columbia University

Regional Economic Policies in Canada *by T. N. Brewis with an appendix by T. K. Rymes. Toronto, The Macmillan Company of Canada, Limited, 1969.—xiv, 303 pp. $7.50.*

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We have become painfully conscious of the fact that, in any nation, the achievement of a satisfactory rate of overall economic growth holds out no assurance that all regions, classes, or ethnic groups will share equally, or at all, in the material benefits which growth brings. Quite the contrary, in fact. Is a 5 per cent per year rate of growth of gross national product satisfactory? Perhaps. Satisfactory to whom? Whose welfare is growing and whose is not? What regions are pushing ahead and what are lagging behind? Who is being squeezed and who is living high on the hog?

We were familiar with problems not too different from these during the 1930s, and we talked about them with the aid of clichés like "depressed areas," "dust bowls," and so on. We assumed too easily that they were depression phenomena and that if we could cure the depression, we would cure these regional and sectoral problems, too. But this was not so. Our success or luck in avoiding major depressions since World War II has only sharpened our awareness that poverty persists in the midst of affluence and that within a so-called developed country there are regions of retarded growth or stagnation. Out of this awareness there has emerged, in Europe and in North America, a new interest in regional economics.

Professor Brewis's book is, I think, the first to appear dealing specificially with these problems in the Canadian context. More, perhaps, than their counterparts in the United States, Canadian historians and political scientists have long been sensitive to regional differentiation, for obvious reasons. Quebec has always insisted on being different, or on seeming to be. The Maritimes have wrestled with economic backwardness since the decline of the wooden sailing ship. The prairie provinces have generated their own cycles of boom and bust with wheat, oil, uranium, and potash. And British Columbia has never quite made up its mind whether it is part of Canada or of the Pacific Northwest. All this is familiar. Professor Brewis knows all about this historical background; but he knows, too, the new theoretical literature on regional economics and he makes good use of it, speculative and disorganized though it admittedly is.

Economists who believe that their subject has something to do with reality and not merely with the aesthetics of model building should welcome the disaggregation that the regional approach implies. But they must recognize, too, the problems that arise. What are the appropriate boundaries of a region? Custom and the availability of statistics often lead to the use of political boundaries, such as those of a state or province. But these may conceal striking internal differences —as, for instance, between urban and rural areas within a province

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or within urban areas themselves. Thus, as Professor Brewis points out (p. 26), there are more families with incomes below $3,000 a year in the prosperous metropolitan centers of Toronto and Montreal than in the four Atlantic provinces combined. Perhaps the metropolis and its hinterland makes a more sensible region. It all depends on the questions you are asking, of course, but in practice we seem to be stuck with political regions. Government programs to ameliorate income inequality involve deals between governmental units; the social scientist may wish to define regions on a nonpolitical basis, but the politicians and civil servants are unlikely to go along.

The major strengths of Professor Brewis's book are two. First, I applaud and admire his awareness of the complexity of the problem. Particularly noteworthy, I think, is his sensitivity to the interactions of technology and geography—a trait reminiscent of the late Harold Innis. Decisions on where particular industries should be located require not only knowledge of past and present technology but also an estimate of future trends—a task as necessary as it is hazardous. Secondly, one is impressed by the ease with which he finds his way through the multiple agencies that have emerged in Canada to deal with regional development: the Agricultural and Rural Development Agency, the Area Development Agency, the Atlantic Development Board, and the newly created department of regional affairs. Clearly, as befits a professor at Carleton University, he is no stranger to the corridors of power in Ottawa.

Regional scientists in the United States will welcome this opportunity to survey what has been going on north of the border. Political scientists may be a trifle disappointed that the author does not try to do more with the character of the Canadian federation and its impact on regional policies. There is a little on this—see, for example, page 81 on the way in which the division of jurisdiction in Canada and the desire of Ottawa not to alienate provincial support has made Canadian policies less bold than European ones—but not a great deal. Economists will be interested in the book's many insights into the dynamics of regional economic growth and its suggestions for wider use of regional input-output tables (spelled out in a theoretically sophisticated appendix by the author's colleague, Professor Rymes). If the book leaves one at all dissatisfied, it is not so much because of any intrinsic weaknesses but rather because the problems and policies it deals with are so obviously undergoing rapid change. If readers still consult Professor Brewis's book ten years from now, it is more likely to be in search of historical insight into the state of thought and policy

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formation in Canada in the late 1960s than for help in tackling the regional problems then confronting them.

HUGH G. J. AITKEN
Amherst College

Exports and Economic Growth of Developing Countries: A Theoretical and Empirical Study of the Relationships between Exports and Economic Growth, with Illustrative Projections for 1975 for the Main Overseas Sterling Countries *by Alfred Maizels assisted by L. F. Campbell-Boross and P.B.W. Rayment. Cambridge, Cambridge University Press, 1968.—xx, 443 pp. $10.00.*

Twenty years ago Raul Prebisch advanced the proposition that the slow growth of demand for primary exports was the main obstacle to the more rapid development of Latin America. This is the main theme of Maizels's exhaustive empirical study of the growth mechanism and future prospects of the less developed countries in the Sterling area. Despite two UNCTAD conferences and countless proposals on trade and development, Maizels is perhaps less optimistic about breaking the link between primary exports and LDC growth than Prebisch was twenty years earlier.

Maizel's book—in which he was assisted by L.F. Campbell-Boross and P.B.W. Rayment—is the most extensive empirical study available of the problems of export demand and its effect on the developing countries. The book covers the principal developing countries of the Sterling area, with most of the analysis concentrated on thirteen countries—Burma, Ceylon, Ghana, India, Jamaica, Kenya, Malaya, Nigeria, Pakistan, Tanzania, Trinidad, Uganda, and Zambia. The study has two main parts: (1) projections of the principal export commodities and (2) aggregate models of each country, linking growth of exports to the supply of essential imports and the sustainable rate of growth. Both are estimated for the period 1950-65 and projected to 1975.

Although the detailed projections are of great value to the specialist, the more general reader will be mainly concerned with the policy conclusions. Maizels finds growth in these thirteen countries to have been strongly affected by export performance in the past and sees little prospect for changing this relationship in the near future. Even the

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most optimistic of his projections of export growth, capital inflow, and domestic savings do not produce much acceleration of growth by 1975. He is thus more pessimistic about future growth prospects than the Pearson Commission or recent United Nations studies.

My principal conclusion from these findings is that a more radical departure from the past mechanism of export-based growth will be needed to achieve politically acceptable rates of future development. Given the economic structures of the 1960s, growth in per capita income of 2 per cent would be a creditable performance for most of these countries, but this is likely to imply growing unemployment increasingly concentrated in cities. To develop more radical alternatives, it would be necessary to go considerably beyond the confines of the present study.

Like his previous work in *Industrial Growth and World Trade*, Maizels's painstaking analysis is a useful antidote to the more optimistic—and superficial—projections typically made by governmental bodies. Although there is little theoretical novelty here, existing models and techniques are combined with a judicious evaluation of data to produce a very valuable framework for policy discussion. If the reader does not agree with the conclusions, he is challenged to produce feasible alternatives.

HOLLIS B. CHENERY
International Bank for Reconstruction and Development

Public Expenditures in Communist and Capitalist Nations *by Frederic L. Pryor. Homewood, Ill., Richard D. Irwin, Inc., 1968. —543 pp. $8.50.*

Thorough studies of specific problems in the comparison of economic systems are rare. Fortunately, Frederic L. Pryor's *Public Expenditures in Communist and Capitalist Nations* is one. The title is somewhat imprecise. Pryor is concerned not with all public expenditures but with "public consumption," which is the claim on resources by public authorities (at all levels) on account of defense, education, health, administration, R & D, and a few other purposes. Included also are welfare expenditures, and, for the sake of international comparability, certain activities that in some countries bypass the budgets of public authorities (such as compulsory insurance handled by private companies). Not included are such important segments of public expenditures as, say, state investment in economic enterprises, which is, of

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course, particularly important in the communist countries.

Pryor's purpose is twofold: to inquire into the degree to which the magnitude and composition of public consumption vary with the economic system and to discover statistically what other factors tend to explain differences in public consumption among countries. The two economic systems considered are (1) "centralized economies," that is, the Soviet-type economies of Eastern Europe represented by all seven members of the species (Albania apart) and (2) "market economies," of which there are also seven in his sample, namely the U.S., West Germany, Austria, Ireland, Italy, Greece, and Yugoslavia. It is the composition of the latter group that is perhaps the most questionable part of the study. Pryor defends it on the basis that, except for the U.S., there is an approximate one-to-one correspondence between pairs of countries in the two groups in GNP per capita (in 1956); for example, Greece and Romania (p. 31). But this correspondence is quite rough even for that one year and might have been satisfied by a different sample of market economies. Moreover, the inclusion of Yugoslavia in the market-economy sample may raise some questions in this context, since public consumption is precisely the nonmarket sector of this communist-ruled country.

The author proceeds to test a long series of hypotheses in a remarkably thorough way. His familiarity with the vast relevant literature is impressive. His handling of numerical data is commendable. To be sure, his samples are small. He makes comparisons at given points of time (usually 1956 and 1962) and of changes over time (usually 1950-62). He is concerned with the types of goods and services that are publicly financed, with determinants of public consumption expenditures (difference in system, GNP per capita, total GNP, and occasionally quite a few other variables), and with what he calls the behavioral properties of such expenditures (for example, centralization in terms of levels of government). There are copious citations, a 35-page bibliography, a long alphabetical index, and nearly 100 pages of methodological, statistical, and otherwise useful appendixes. There are also convenient summaries throughout the text.

Pryor's negative findings are perhaps the more interesting ones. Economic system seems to matter very little in explaining public consumption expenditures (except in a few cases, such as education). Variation among countries within each group is much greater than variation between the groups. Per capita GNP also seems to explain very little; that is, "Wagner's Law" does not usually hold. On the positive side, Pryor finds interesting relationships, especially for disaggregated categories—too many to mention in this review.

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This is an interesting and stimulating book for both economists and political scientists and is generally not too technical for the latter.

GREGORY GROSSMAN
University of California, Berkeley

European Fascism *edited by S.J. Woolf. New York, Random House, 1969.—387 pp. $8.95.*

This is a useful book, the result of a series of lectures and seminars held at the University of Reading in 1966-67. It begins with a good if debatable introduction by the editor, who also contributes the chapter on Italy, and with a beautiful synthesis of the fascist phenomenon by Professor Trevor-Roper. There follow chapters on "fascism" in Italy, Germany, Austria, Hungary, Romania, Poland, Finland, Norway, Britain, France, Spain, and Portugal. The essays on Poland, Norway, and Portugal make the most original contributions, these countries not having been treated before in similar compilations. Equally novel are Mr. Skidelsky's excellent essay (on Oswald Mosley rather than British fascism), as sensitive as it is sensible, and Professor Seton-Watson's concluding survey of "Fascism in Contemporary Europe" (not to worry).

Most of the authors take historical background for granted, treating their subject by discussion rather than narrative. Thus the book appears as a contribution toward the interpretation rather than the vulgarization of studies of fascism. In this connection, its great shortcoming lies in the fact that—despite the warning voiced in the editor's introduction—some essays do not make a sufficient distinction between fascist and National Socialist-type movements and more old-fashioned ones—"militant but respectable," in the words of J. Erös.

Dr. Andreski's article explains that there *was* no fascism in Poland; and Professor Thomas shows how what there was of fascism in Spain was swallowed up in Franco's authoritarian regime. The valuable (at times breathless) account of Portugal suggests that—despite some fascist trappings—both Salazar and the native Integralists were rather Maurrassian authoritarians than fascists, yet its author keeps talking of "Portuguese fascism."

Readers will benefit from the copious information afforded in the text. They would have profited even more from clearly drawn bench-

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marks that kept a complex phenomenon from merging with its political neighbors like some meandering river ill defined in marshy ground.

EUGEN WEBER
University of California, Los Angeles

History of the Cold War, Vol. I: From the October Revolution to the Korean War, 1917-1950; Vol. II: From the Korean War to the Present *by André Fontaine, translated by Renaud Bruce. New York, Pantheon Books, 1968, 1969.—xiii, 432 pp.; xi, 523 pp. $20.00.*

The newspaper *Le Monde* has achieved a deservedly high reputation, not the least for its foreign coverage, among the world's press. It is thus fitting that André Fontaine, its foreign editor since 1951, should undertake the ambitious task which has resulted in these two substantial volumes. They constitute a solid piece of history, informed by thoroughness and objectivity, as good as any that exists on this subject.

Predictions in regard to the eventual role of the United States and Russia can be traced a considerable distance in the past. The former was first to emerge to a position of dominant power, the second not achieving a comparable status until after the Second World War. Power has its own laws and the clash between the two superpowers may be seen as fated, another instance of a classical phenomenon. In some respects this is indeed the case.

But just as the French Revolution introduced a novel ideology into the power struggle, thereby distorting its course, so likewise the 1917 revolution in Russia had similar effects. Broadly speaking, the French Revolution has succeeded everywhere in the sense that its fundamental aims have become an accepted commonplace, but in the process, the revolutionary enthusiasm has been tamed and the initial impulse has become integrated into the more pedestrian operation of ordinary politics. A similar question arises about the Russian case, and this indeed might be described as the central theme of Fontaine's analysis: has Communism after fifty years become, if not a conservative force, at least a normal part of the world political landscape?

The 1917 Bolsheviks had world encompassing ambitions. In this they failed, and the *cordon sanitaire* proved that de facto coexistence was possible. Yet this was but a truce, and the Second World War re-

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opened the issue. Almost immediately after the war the confrontation became sharp and clear, technical military developments alone having perhaps prevented an open clash; hence the continuing cold war. Korea can be properly regarded as the first test after the division of Europe had become an accomplished fact and the opposite blocs had consolidated. The outcome—partition—was the same as in Germany.

The characterization of the United States is apt: "One of the greatnesses of the American nation is that it does not measure out its friendship; one of its weaknesses, that it never suspects it may not be paid back" (I, 172). Dealing with a closed society is difficult, but America learned, and in the process adopted, to a degree at least, her opponent's methods, losing some of her standing and committing not a few mistakes.

The simultaneous advent of new leadership in both countries in 1953 was an important turning point, but the rapprochement that some expected was short-lived. The fifties saw Suez and Hungary, unwarranted Soviet cockiness born out of Sputnik, and much else that adds up to a dreary tale of frustration. Yet other elements intruded—Europe's recovery, schisms within the Communist camp, the emergence of subject peoples to independence—which rendered former positions obsolete. A grand climax and the sharpest confrontation occurred in 1962. The Cuban missile crisis was a bad defeat for Khrushchev but it also had the effect of bursting an abscess. Fontaine essentially ends his story with a chapter entitled "The Armistice."

Yet the cold war goes on and has in fact been extended, to Vietnam and the Middle East, for example, though it has receded from Africa. The epilogue, a brief summation since 1963, is appropriately cautious:

> In the end the two systems which have divided the world between them have not succeeded in protecting themselves from each other's influence. The United States can no more prevent revolutionary social ideas from spreading, not only in distant Viet Nam but in South America, among European students, and even in its own universities and black ghettos, than the U.S.S.R. can prevent a reflowering of the old belief in the value of political and intellectual freedom in its sphere of influence and even in the midst of its own intelligentsia.

But also, "Who can be sure that . . . the Cold War, more or less appeased after half a century, will not some day erupt again more violently than ever?"

René Albrecht-Carrié
Columbia University

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The Politics of Force: Bargaining During International Crises *by Oran R. Young. Princeton, N. J., Princeton University Press, 1968.—x, 438 pp. $12.50.*

This book is a comparative study of four international crises: the Berlin blockade of 1948-1949, the crisis of 1958 in the Taiwan Straits, the East-West clash over Berlin in 1961, and the Cuban missile crisis of 1962. In the introductory chapters and in an appendix on "epistomological" problems, Mr. Young attempts a strict justification of his choosing these particular conflicts for his comparison. In particular, he develops certain "criteria concerning the orientation of the hypotheses" that are tested in the main part of his book. Mr. Young's arguments are not entirely persuasive. There is no good reason (except one of convenience) for considering 1961 rather than 1958 the beginning of the second Berlin crisis; nor can the exclusion of other crises, for example, the Suez crisis of 1956, be justified on anything but pragmatic grounds. But the author's analytical effort ought certainly not be belittled by pointing to the small universe of cases to which his conclusions pertain. Other analysts are free to enlarge that universe, if they feel so inclined, and examine additional crises in order to see how Mr. Young's findings stand up.

Mr. Young has followed a rigorous procedure. He has organized the material on each crisis in a discontinuous manner. Each of his four cases is considered thirteen times, each time in the light of another hypothesis. This procedure facilitates a truly comparative analysis.

As to the hypotheses on "bargaining" that have been tested in this way, Mr. Young acknowledges his debt to Thomas Schelling's work, but he has added some refinements and advanced a few new analytical propositions. Inevitably, not all of his hypotheses are of equal interest. The hypothesis that "the influence of salience as a principle of coordination will rise with the onset of a crisis" is not as weighty as are the propositions dealing with restraints on violence (chaps. 8 and 13) or with the modes of communication (chap. 6).

Mr. Young has made excellent use of the rich secondary literature on the four crises, although some additional insights on Soviet behavior during the second Berlin crisis and the Cuban missile crisis might have been derived from Michel Tatu's monograph, *Power in the Kremlin* (1968). Robert Kennedy's account of the events of October 1962 and Dean Acheson's interesting criticism of it were not available to Mr. Young at the time he wrote his book. Similarly, certain journalistic sources like *Neue Zurcher Zeitung, Le Monde,* and *SBZ Archiv* might have been more useful to him than were *Time* or *Newsweek.*

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Some readers are likely to wish that the author's keen and subtle intelligence were matched by greater simplicity of style. For example, Mr. Young wants to observe that during the Berlin crisis of 1961, especially in the period between the Vienna meeting in June and the erection of the Berlin Wall in August, each side tried to intimidate the other by talking about the danger of war. This observation is presented as follows:

> The Berlin crisis of 1961 produced a number of significant efforts to achieve bargaining advantages through the manipulation of perceptions. In this crisis, such efforts were weighted heavily toward the objective of undermining the resolve of the opponent by playing up the dangers associated with the crisis. Especially in the period between the Vienna meetings in early June and the closure of the sector boundary in Berlin on August 13, both East and West devoted considerable attention to this objective.

As the subtitle indicates, Mr. Young's book deals with "bargaining" during crises. Within these confines it is a valuable contribution to an understanding of the politics of force.

HANS SPEIER
University of Massachusetts

Value Systems and Social Process *by Sir Geoffrey Vickers. New York, Basic Books, Inc., 1968.—xxii, 217 pp. $6.50.*

Sir Geoffrey Vickers comes as close to being a philosopher king as our unphilosophical and nonmonarchial age permits. He is a man of affairs, a company director, a member of many public bodies in Brittain, and, at the same time, a prolific writer and reader who is thoroughly at home both with systems analysis and with the modern literature of the social sciences. The present volume is a collection of essays written at different times and for different occasions, and while it does not perhaps have the unity of some of his earlier volumes, it is pulled together by a long introduction which summarizes the main themes of the various essays. It is indeed a rich mine of ideas, too rich to be summarized in a short review. The style is easy going, and if the sequence of ideas is sometimes a little arbitrary, this perhaps can be excused as a British foible arising from a long training in post-brandial conversation.

The general framework of the present book will be familiar to readers of Vickers's other works. He perceives knowledge as the essential key to developmental processes and values and the learning of values

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as an aspect of the general epistemological process. He has a strong ecological bent, seeing everything related to everything else. He sees information inputs and outputs as the key to much that goes on both in organizations and in societies. In other words, he has a thoroughly general systems point of view. If there is a message that stands out in this volume it is that of the importance of what he calls the "appreciative system," which he defines (p. 41) as a society's "set of *readinesses* to see and value and respond to its situation in particular ways." This "readiness" consists of the ability to perceive matches—or mismatches—between signals which come into the person and some internal standards of comparison which somehow or other he has learned from previous experience. It is never quite clear to me, however, how this concept is really to be used. One gets the feeling throughout the book that the author is on the edge of very profound insights about society which somehow never quite go through. One hopes for a magnum opus to come which will really synthesize his general systems insights with the extraordinary richness of his observation and personal experience.

KENNETH BOULDING
University of Colorado

Origins of Modern Biology *by Url Lanham. New York, Columbia University Press, 1968.—x, 273 pp. $7.50.*

The *Origins of Modern Biology* is an account of some of the organized information, ideas, and ways of thinking which preceded the development of mid-twentieth century biology. It is less a history of biology than a book about history which can be read with pleasure by laymen with a high school preparation in science. The "Modern Biology" of the title is that which began with the first theories of genetics in 1900 and has now led to evolutionary biology guided by population genetics and ecology on the one hand and to molecular biology guided jointly by biochemical and genetical ideas and methods on the other.

The "Origins" of the title is perhaps an overstatement of accomplishment if not of purpose. "Origins" would seem to imply genetic connections between present theories and earlier states of science, whereas what is offered is appreciative description of what the preliterate science of primitive peoples may have been like, what questions presented themselves to literate Greeks, Arabs, and Romans, and what happened

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during the scientific renaissance initiated by Copernicus, Vesalius, and Galileo. It seems to me too much to expect that a brief popular book should trace the relations between modern biological theories and the changes in attitudes toward nature which occurred at a time before biology itself had taken form.

Instead the author has restricted himself to what he calls "a bygone romantic, individualistic phase of biology." A good example of this is a useful chapter on the beginnings of taxonomy in the sixteenth century, especially the work of individual botanists such as the "German fathers" —Brunfels, Fuchs, Tragus, and Cordus and other predecessors of Linnaeus. The formation of the evolutionary outlook, culminating in the theory of natural selection, is by now a theme familiar to biologists and historians alike, but is here entertainingly described for neophytes.

The development of knowledge of genetics and cytology, which provided the turning point between the old and the new in biology is less adequately presented, but there is, by now, following the centenary celebrations of Mendel's publication of 1866, no dearth of both scholarly and popular accounts of these matters.

In a concluding chapter on "Life as Mechanism" emphasis is given to Pasteur's work with yeast followed by Buchner's recognition of enzyme activities as providing an impetus to the development of twentieth-century biochemistry.

It is not a derogation of the author's work to point out that nearly every account in the book has been recited before. The same is true of most books written for beginning students and laymen. What is needed is to interest the reader and not to offend the specialist. These requirements seem to me to have been met by the author of this book.

L. C. DUNN
Columbia University

Meaning and Action: A Critical History of Pragmatism *by H. S. Thayer. Indianapolis, Ind., The Bobbs-Merrill Company, 1968. —xx, 572 pp. $10.00.*

Professor Thayer notes in his preface that there has been no thorough and comprehensive treatment of the history of pragmatism. He is, I think, right; and the fact is interesting.

A glance at his table of contents gives one some sense of how he sets about remedying the lack. Sixty-five pages are devoted to a history of

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philosophy from 1650 to 1850. The problem extracted from this history is "the conflict between new [scientific] knowledge and new kinds of experience [those caused by the impact of science on economic and institutional arrangements] and the old, the cultural inheritances, the values and attitudes and modes of interpretation borne from the past." Two hundred pages are then devoted to the American pragmatists: Peirce, James, Dewey, Lewis, and Mead. These pages are competent, interesting, and valuable. They constitute, in my opinion, the heart of Professor Thayer's attempt to remedy the lack of a comprehensive history of pragmatism, and in them his theme of "meaning and action" is most competently developed.

The next 76 pages, devoted to pragmatism in Europe, seem to me unfortunate in the light of the author's claims. We are offered 30 pages on Schiller, 4 or 5 on Wittgenstein, and then 32 pages on Sorel, Mussolini, Papini, Prizzolini, Vailati, and Calderoni. This is surely a disappointing way to cash in the claim that pragmatism is the culminating and forward-looking climax of the various trends of modern philosophy since 1650.

Finally come 110 pages of the author's conclusions and speculations. In these pages it seems to me that Professor Thayer ceases to be the comprehensive historian and becomes instead a protagonist for John Dewey. There is no attempt to obscure this fact; the references to and quotations from Dewey are legion. And, when one comes to think of it, the problem posed in the first part of the book was itself straight Dewey. So, if you admire the work of John Dewey you will probably welcome this book; if not, not.

JAMES WARD SMITH
Princeton University

The Urban Challenge to Government: An International Comparison of Thirteen Cities *by Annmarie Hauck Walsh. New York, Frederick A. Praeger, 1969.—xii, 294 pp. $10.00.*

This volume is a welcome distillation of individually published case studies of urban government in thirteen cities in thirteen countries. In this work, which is the culmination of six years of research by several scholars, Mrs. Walsh summarizes the comparative data on city governmental structure, forms of metropolitan coordination and cooperation, intergovernmental allocation of authority to deal with certain problems

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of the city, approaches to decentralization, and attempts at social and physical planning. It will be useful to scholars, policy makers, and laymen as one of the first large-scale, multinational studies of urban governmental structures.

This is not an easy book to read. It is crammed full of facts, unfortunately organized according to no patently logical scheme, presented in a style which is not distinguished by exceptional clarity. It is more than worth the effort, however, if one is seriously interested in gaining a broad international perspective on urban problems and the differing governmental structures men have shaped to deal with them. Students of American urban government and problems will find in this volume many useful insights for their work on American institutions. Laymen will be struck by the extent to which American urban problems are, largely, only our particular instances of a worldwide phenomenon remarkably similar everywhere.

Unfortunately, while it will undoubtedly be useful, it will not be as valuable a contribution to international urban studies as it should have been, considering the enormous amount of time, work, and money which it represents.

In the first place, as the author recognizes, governmental structure is only one of many variables in the urban process. Not only does focusing exclusively on the governmental arena preclude, by definition, coming to understand the city as a whole, but it also ensures that even the governmental process itself will be misunderstood. A minimal exploration of governmental structure would require cataloging the data on the social, economic, and political processes, even if their precise relationships with governmental structure could not be analytically traced.

They can be traced, however, but, as is characteristic of so much scholarship in the field of public administration, this work is mainly descriptive and little at all analytical. An effort of this size seems to me to have warranted some empirical exploration of the interdependencies of structure and the underlying forces which shaped it over time. Its scope deserved some carefully designed hypotheses to be tested in a rigorous research design. Instead, what we have is an accumulation of facts on governmental structure in thirteen cities in as many nations, with no verification of what brought the facts about and no exploration of the degree to which their characteristics and effectiveness are either unique to their geographical location or generalizable to other locations. If, for example, the theoretical formulation of an analytical framework for studying urban political systems suggested in chapter VII had been a significant part of the research design for

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these case studies, we would know considerably more than this book tells us about what difference different forms of urban government make across the world. Surely this mammoth research project was not needed in order to develop that theoretical formulation. Indeed, it was developed, as the author acknowledges, largely in the work of David Easton, although its placement as the last chapter of the book suggests that it was generated by the underlying research.

Finally, while the choice of cities for the study affords interesting comparisons, a preferred selection would have embraced cities either more comparable in age, history, wealth, size, and significance or more typologically explainable than Calcutta, Casablanca, Davao, Karachi, Lagos, Leningrad, Lima, Lodz, Paris, Stockholm, Toronto, Valencia, and Zagreb. If there is a rationale for focusing on these particular thirteen cities, other than their obvious dissimilarity on all of these dimensions, it is nowhere to be found in the book. One wonders also why no United States city was included.

Despite these limitations, this book contains a wealth of interesting and informative detail which cannot help but enlighten. It offers a perspective on the city which both reassures Americans that everyone else is in the same boat and also depresses, because the boat appears to be sinking.

JOEL L. FLEISHMAN
Yale University

The Civil Service Commission *by Donald R. Harvey. New York, Frederick A. Praeger, 1970.—xiii, 233 pp. $6.95.*

The Regulators: Watchdog Agencies and the Public Interest *by Louis M. Kohlmeier Jr. New York, Harper and Row, 1969.—xi, 339 pp. $8.95.*

In the late 1940s in Washington, it was difficult to determine for whom the U.S. Civil Service Commission worked: its congressional committees, the civil service employees, the civil service unions, veterans' organizations, or the president. While the commission's relations with the president have been strengthened over the years, the personnel controls administered by the commission or by the federal departments and agencies subject to its general oversight continue to circumscribe the discretionary authority of federal executives and deny them a measure of freedom in ordinary personnel administration. Despite some significant

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improvements in federal personnel management and progressive delegation of personnel functions to federal departments and agencies, the commission is still charged with administering a myriad of statutes that prescribe in detail how to keep rascals and unfit persons out of federal jobs through restrictive rules governing job classification, appointment, promotion, transfer, salary change, and dismissal of employees.

Mr. Harvey, a veteran of more than thirty years in federal employment, including fourteen years on the commission, has written a superficial, uncritical, and essentially dull and uninformative account of the commission; its organization and functions; its relations with congressional committees, special interest groups, and other federal agencies; problems of enforcement of personnel regulations; and changes in policy during the 1960s. He is not concerned with such large questions as the compatibility of democracy and professional bureaucracy. Nor does he deal with the phenomenon of the growing professionalization of federal employment, the slow acceptance within the federal service of the concept of continuing education for federal officers, the obsolescence of the classification system, the low quality and status of personnel management in the departments and agencies, problems of ethical conduct in the federal service, the impact of special merit systems (TVA, FBI, Foreign Service, for example) on the general civil service, and the implications of unionism for the federal service. No comparisons are drawn with civil service developments in other countries. Nothing in this account explains why the mobility across departmental and program lines is so low in the federal service and why the Executive Assignment System is so little used. The tone is apologetic and defensive, emphasizing how the commission is caught in a crossfire of pressures.

In contrast, Mr. Kohlmeier, a Washington correspondent for *The Wall Street Journal* since 1960, has written a lively, readable account of the work of federal independent regulatory commissions. Essentially reportorial in style, it is best in recounting factually the handling of several specific cases of federal regulation by various agencies, such as the Northeast Airlines route, the LBJ Company, and the Yat Fat hoax. He is less satisfactory in presenting his historical perspective and in prescribing reforms.

Federal regulatory policies and programs were conceived and enacted into law, according to Kohlmeier, to protect consumers, and each agency began with a clear purpose. However, "with the increase of industrial technology, old programs have tended to fade and new powers have been needed" (p. 7). He rejects the oversimplified conclusion that agencies created to protect the consumer have been captured by the industries they were supposed to regulate, but he substitutes an inaccurate view of

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the origin of most regulatory programs. The objectives of most regulatory programs in their enabling acts were not generally "clear of purpose" (p. 7). They represented compromises usually reached after many years of agitation for legislation, and their statutory objectives were often obsolete when the regulatory agencies were created to administer the new statutes. Moreover, some programs were designated to protect business, not consumer, interests (interstate trucking) or to blend the interests of business and consumers (radio broadcasting).

Kohlmeier acknowledges his policy preference for price competition and his opposition to the pronounced tendency of regulatory agencies to safeguard their regulated clientele from the rigors of a competitive economy. As a first-class reporter, he tends to focus on the pathologies of his subject. He is critical, for example, of presidential appointments of regulatory commissioners, but makes no comparisons with presidential selection of other top federal executives.

In his treatment of the relations of Congress and regulators, Congress "is not an overriding influence in the policies and practices of contemporary regulation. After it has created an agency, and thus disposed of the point of consumer displeasure at hand, Congress as a body loses interest" (p. 53). What is important, he states, is the behavior of individual legislators in seeking political and personal gain by putting pressure on regulators to take action favorable to them or their constituents. While the evidence for individual legislators' pressure is impressive, the downgrading of influence exercised by congressional committees is overdrawn. At the same time he characterizes the agencies as extensions of Congress. The ambivalence of his treatment of this relationship might have been overcome if departmental regulatory programs had been considered more fully for comparative purposes.

Kohlmeier is outraged by the perversion of the public interest by regulatory commissions. His simple, meat-axe solution is to abolish the commissions and to redistribute their most essential functions to other branches of the federal government. He would reaffirm competition as a national policy, and effective antitrust enforcement becomes an absolute prerequisite to the abolition of the regulatory agencies. The chances for such a drastic overhaul appear to be negligible.

MARVER A. BERNSTEIN
Princeton University

The Legitimacy of the Business Corporation in the Law of the United States, 1780-1970 *by James Willard Hurst. Charlottes-*

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ville, The University Press of Virginia, 1970.—xiii, 191 pp. $6.50.

The theme of the 1969 Page-Barbour Lectures at the University of Virginia was the history of the accountability of the corporate structure to national goals and hence to what James Willard Hurst describes as its legitimacy. Hurst, a law professor and a historian, developed in his lectures and in the resultant monograph the story of the transformation of the corporate form from one faced with significant legal restrictions grounded in private corporate law—restrictions on internal organization, on ownership of shares, on corporate term, on corporate purpose, and on powers of the corporation—to the freewheeling enterprise of today. For today, the corporation faces virtually no restrictions based in private corporate law, although it faces considerable control coming from a wide variety of largely federal regulatory laws—such as those regulating the issue and sale of securities and the relations between corporation and shareholder.

Over the last one hundred or so years, private corporate law was altered from that which both created the corporate form and then policed the actions of its businessmen to a body of law which merely creates and thereby authorizes broad and pervasive corporate powers and freedoms. For the political scientist, Hurst points out that this transformation took place in virtual secrecy in state legislative councils, aided by Supreme Court decisions which implemented the broadest definition of federal corporate rights under the Fourteenth Amendment and gave birth to what we have all come to know as the Delaware corporation.

Hurst's main point concerning the regulation and utility of the corporation, delivered with mastery and insight, is that private corporate statutes have ignored the task of regulation and serve merely to maximize the utility of the corporate form for businessmen—large and small. The necessary regulatory concepts have thus crept into the legal system through incremental and ad hoc federal regulations. The dangers of such an unplanned method of regulating the corporate form, particularly today, are, first, the overlooking of some serious areas of needed regulation, and, second, the resultant decline of faith in the law itself. In the final few pages, Professor Hurst comes to the inevitable conclusion: he calls for a more comprehensive legislative response than has been achieved to date.

FRANK J. MACCHIAROLA
Baruch School of Business and Public Administration
City University of New York

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The Theory of Imperfect Competition: A Radical Reconstruction *by Donald Dewey. New York, Columbia University Press, 1969. —xii, 205 pp. $7.50.*

This book on the economic theory of industrial organization and the policy prescriptions that are derived from it represents a significant addition to the literature in the field. An important part of the argument is its emphasis upon two neglected aspects of firm behavior—rationalization and stay-out pricing. The first five chapters deal with the static theory of imperfect competition; chapters six through nine are an effort to deal with uncertainty by the use of modern developments in information theory, game theory, and learning theory. In all of this the mathematics is kept to a bare minimum and can be handled with a knowledge of calculus. The last chapter of the book is a convenient summary. Professor Dewey argues that there is no sharp distinction between perfect and imperfect competition. As long as all output levels cannot be produced at constant unit cost so that there is an optimally efficient scale of production, he states, competition is necessarily imperfect. The amount of imperfection (the number of firms) is a function of "the size of the most efficient plant relative to the demand for the industry's product." When the number of firms the industry will support is "large," we proceed with our analysis as if the demand curve of the firms is infinitely elastic, but the author reminds us that, except in the unusual case of a linearly homogeneous production process, competition must be in some degree imperfect. Given that the demand curve facing the firm has a negative slope, and assuming free entry, it is shown that the Chamberlin-Robinson tangency solution, which yields excess capacity in each firm, is unstable. The organization of an industry which is technically inefficient cannot subsist in the absence of impediments to rationalization; firms will rationalize the industry by cartel or by merger. It is also shown that the firms in the rationalized industry will practice a form of stay-out pricing to discourage the entry of new firms. In this view the distinction between imperfect competition and oligopoly disappears, since the only possible stable equilibrium is as a rationalized industry. The chapters on uncertainty show that only with complete information can economic warfare be ruled out as irrational for the contending firms in an industry. Further, the existence of uncertainty makes it difficult to specify what it is that the firm "maximizes." The decision rules of the firm are based upon attitudes toward risk as well as the cost of acquiring additional information. On the policy side the author concludes that antitrust laws that restrict freedom of contract within an industry

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in the interest of "promoting competition" will, if entry is free, condemn the industry to inefficient production. It is further argued that "the use of the trust-busting power to convert a so-called monopoly into an oligopoly can serve to make the industry less efficient whenever demand is subject to seasonal or cyclical variation." At least since the work on "second best" by R.G. Lipsey and K. Lancaster ("The General Theory of the Second Best," *Review of Economic Studies*, XXIV, 1956, pp. 11-32), economists have known that there could be no a priori assumption that trust-busting would always increase economic welfare. Professor Dewey has added to this caution with his analysis. There is a tendency in this book to overstate for emphasis, as in: "the distinction between oligopoly and imperfect competition (and hence between oligopoly and perfect competition) is also unimportant insofar as resource allocation is concerned" (p. 192). This may be true as an empirical proposition, but it cannot be true as a proposition in welfare theory. Despite this reviewer's reservations on various points of emphasis and exposition, this is a thought-provoking book and should be welcomed by all serious students of economic theory and industrial organization.

ALBERT M. LEVENSON
Queens College, City University of New York

Trade Agreements for Developing Countries *by Gilbert P. Verbit. New York, Columbia University Press, 1969.—xi, 249 pp. $8.50.*

This is a how-and-why-to-do-it book. The author, Gilbert P. Verbit, is a lawyer who has been active in economic development planning. He has also served as adviser to the Tanzanian government in fashioning a trade agreements program for that country. His book presents, in lucid fashion, the pros and cons of various foreign trade policies. It supplies criteria by which developing nations can judge which policies best accomplish their trading goals. It also presents the implementing steps which must be undertaken after a trade agreements policy has been adopted.

The opening chapter sets the stage by explaining what kinds of trade agreements are currently in vogue outside the General Agreement on Tariffs and Trade (GATT). It contains an excellent summary of regional trading agreements in various parts of the world as well as information on trading with Communist countries which have remained outside GATT. Then follow fairly technical discussions of ways to regulate, facilitate, or obstruct trade through such measures as duties, subsidies,

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exchange controls, export licensing, and most-favored-nation agreements. The difficult problems raised when the state is one of the trading partners are fully considered with advice about avoiding complications. Besides these and other fairly familiar matters, Verbit also devotes attention to widely ignored problem areas. For instance, he explains arrangements for fostering trade promotional activities such as fairs and visits by traveling sales forces. He discusses how nations can cope with preferential or discriminatory treatment which their trading vessels may receive in foreign ports.

Throughout, legal, financial, and economic consequences of trade laws and practices for underdeveloped economies are stated clearly and simply. Many a fallacy about the effects of specific trade agreement practices is laid to rest. The author laces his analysis with well chosen examples of problems which have arisen in recent practice and how they were solved. He also appends a number of sample trading agreements covering economic and financial clauses.

The book addresses itself primarily to government offcials and economists in developing countries who deal professionally with trade agreements and must decide which methods are best for their country. But it also contains much information of value to teachers and students of international law and business who need to know the nitty gritty of international economic intercourse. The chapter summaries help such nonspecialists to decide which chapters deserve their closer attention.

At a time when rising trade restrictions increase international tensions, a book which points to ways of minimizing such strains should be of wide interest to academicians as well as to government officials. If *Trade Agreements for Developing Countries* also contributes to a broadening of existing channels of trade and the opening of new ones, it will, indeed, have made a major contribution to international development.

DORIS A. GRABER
University of Illinois at Chicago Circle

The Challenge of World Poverty: A World Anti-Poverty Program in Outline *by Gunnar Myrdal. New York, Pantheon Books, 1970.—xv, 518 pp. $8.95.*

Asian Drama, Professor Myrdal's massive "inquiry into the poverty of nations," specifically the nations of South Asia, has been criticized for its lack of specific directions for dealing with that problem. This sequel faces that problem directly. It is resolutely realistic, but not very optimistic.

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Like all students of South Asian countries, Professor Myrdal focuses attention on the population problem, the abject poverty of the teeming millions, their utter ignorance and hopeless apathy. In doing so he is sharply critical of Western economists and native statisticians who, he says, apply Western categories to Asian data with results which are almost completely meaningless. Thus, for example, he insists that Asian agriculture is not "labor intensive," as that category is commonly used. True, a vast concourse of men, women, and children have no other occupation. But this does not mean that in any literal sense they are "employed" in agriculture. As Professor Myrdal reiterates throughout the book, what it means is that in Asian agriculture labor is *underutilized* on a vast scale.

Professor Myrdal is pessimistic about even the best intentioned efforts at reform. Virtually all are concerned with frosting a nonexistent cake. Thus, for example, in India where great and sincere educational efforts have been made, those efforts have been most successful on the university level, less so on the high school level, and least of all at the primary level where scarcely a pinprick has been made on the total illiteracy of the hundreds of millions of the underclass. Western scholarship has been an accomplice in this crime. In one passage Professor Myrdal lets drop the remark, "No economist as far as I know has seen the supreme importance for development of rapidly stamping out illiteracy by means of an adult education campaign." Certainly general literacy is a *sine qua non* of general industrialization.

In the end Professor Myrdal candidly acknowledges his skepticism as to whether the endemic poverty of the peoples of South Asia can be overcome by any course short of violent and total revolution. This doubt has not prevented him from urging them to try, or from urging the Western peoples to assist them with truly massive aid and hitherto unexampled forbearance.

In this effort Professor Myrdal feels that the United States must take the lead. This is partly because, financially and industrially, he thinks we could; but also because, though our sins be as scarlet, as an adoptive son ever since *An American Dilemma*, he still thinks we might.

C. E. Ayres
University of Texas

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Book Notes

James L. Sundquist with help in interviewing by David W. Davis has written a suggestive book—*Making Federalism Work: A Study of Program Coordination at the Community Level* (Washington, D. C., The Brookings Institution, 1969; viii, 293 pp. $6.95)—that throws fresh light on the federal system of the United States as a going thing. The subtitle is modestly revealing, however; it identifies the distinctive theme. Attention is given both to the urban side and also to the emergent structures for multicounty planning. The book begins by noting that federal aid has come to be something more than a temporary prop or prod. Yet the essence of this durable relationship is local, as seen by the authors; perhaps they exaggerate the recency of this condition. They soundly portray the outcome as a possibility, remarking (with italics in their text): "*as the machinery begins to measure up to its promise and gains in competence,* the conscious policy of the federal government as a whole—and, hopefully, the state governments as well—should be *to defer increasingly to local judgments.*" This outcome will be aided by improved coordination in the executive office of the president. It can be helped by something like a prefecture system in regions. The book's main stress, though not its range and richness of detail, is shown in this additional quotation: "only at the community level can the community be seen whole, only there can all the community programs be interrelated, only there can the systems of comprehensive planning and program coordination be established and operated, and only there can widespread citizen participation be organized and the contributions of the citizens blended with those of the professionals in the decision-making process."—ARTHUR W. MACMAHON, *Poughkeepsie, N.Y.*

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Klaus Schwabe's *Wissenschaft und Kriegsmoral: Die deutschen Hochschullehrer und die politischen Grundfragen des Ersten Weltkrieges* (Göttingen, Musterschmidt-Verlag, 1969; 302 pp. DM 48) examines the activities of those German university professors who engaged in political propaganda during the first World War. The politically-minded academics—mainly historians, political scientists, and Protestant theologians—believed that they should lend their talents and social prestige to the war effort, not only to counter enemy propaganda, but also, and principally, to preserve national unity and national morale. In his discussion, Schwabe divides the professors into moderates and annexationists and the years of their activity into a period of national optimism (1914-16), when a quick and easy victory seemed likely, and a period of growing pessimism (1916-18), when it became clear that the war could be prosecuted only at immense human and material cost. He analyzes in great detail the changing political positions of the two groups and demonstrates that toward the close of the war they became directly antagonistic toward one another—to the detriment of the very national unity they had espoused. The debacle, Schwabe submits, was of even greater proportions, for the professors—often unwittingly—became the mouthpieces of precisely those pressure groups that they had hoped to weld into a larger whole. The book contributes both to German intellectual history and to the political history of Germany during World War I. The author's thought processes are sound, his analysis is logical and convincing. He is somewhat undiscriminating about the relative importance of the massive details which he produces. Like many young scholars, moreover, he lacks a larger tapestry. He presents his study as a succinct unit in history and neglects the larger political and cultural context of his subject.—C. M. KIMMICH, *Columbia University.*

The product of an American Universities Field Staff conference on science and social change with special concern for the underdeveloped countries, *The Social Reality of Scientific Myth: Science and Social Change* edited by Kalman H. Silvert (New York, American Universities Field Staff, Inc., 1969; 239 pp. $7.50) contains an extremely diverse set of substantive contents which may be of great interest to many scholars who are not particularly concerned with science and social change itself. In a brief review, these contents can only be indicated. The philosopher Carl H. Hamburg writes on "Science and Institutional Change." Professor Louis Morton of Dartmouth has an essay on "War,

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Science and Social Change." Charles F. Gallagher of the AUFS lives up to his reputation in a piece on "Language Rationalization and Scientific Progress." James Rowe, also of the AUFS, has written on "Science and Politics in Brazil: Background of the 1967 Debate on Nuclear Energy Policy." Nicholas DeWitt, already noted for his studies on Russian science, writes both on "The Polity of Russian and Soviet Science: A Century of Continuity and Change" and on "Some Problems of Science Education in the Developing Countries of Africa." E. A. Bayne has an essay, "Technological Growth and Scientific Lag: Iran." Roy Lockheimer writes of "Prerequisites, Receptivity, and Change: Government and the Development of Science in Japan." In "Science and Social Change: Politics and the Organization of Science," C.H.G. Oldham of the University of Sussex compares cases in Great Britain and China. Finally, in a brief "Conclusions," the editor, Kalman H. Silvert, discusses the general relations between science and technology and the significance of these for social change.—BERNARD BARBER, *Barnard College.*

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In Memoriam

RICHARD HOFSTADTER

Richard Hofstadter was one of that rare company of historians whose prowess augurs greatness the instant it is displayed. His first book, *Social Darwinism in American Thought*, won the Beveridge Award of the American Historical Association in 1944, the first of the many formal honors that were to come to him in partial return for what he gave.

Richard Hofstadter was known for his intellectual boldness; it attests to his exacting standards as a scholar that this was not seen as intellectual imprudence. *The American Political Tradition*, published in 1948, was, on every count, a courageous book. It dared to assess the full two centuries of that tradition; it dared to depart from the monographic format in favor of a much more difficult genre—chapters set in a theoretic frame, yet each constituting its own totality; it dared to give praise to famous men and yet thoroughly to demythologize them. The only flaw in this daring was its inimitableness: who else could hope to absorb so much knowledge, so quickly, without having to take tiers of notes; who else could write what was both a fully realized book and a vehicle for coherent essays; who else could hope to combine so exquisitely the traits of playfulness and piety, which he defined as essential to intellect, or the traditions of heresy and clerisy, which he honored as the legacy of intellectuals?

Hofstadter was one of the practitioners of history who stayed in close and constant contact with the social sciences. That was indeed the way he liked to put it; he did not regard himself as being a social scientist. For him, the formal—especially quanti-

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tative—methods of the sister disciplines were not most important; what he borrowed and adapted for his purposes were "their substantive findings, their intellectual concerns, their professional perspectives." One cannot read his *Age of Reform*, in which he applied the concept of social status to American Progressivism (and for which he received the Pulitzer Prize in 1956), or his essay on the pseudo-conservative revolt, in which he applied the findings of Adorno and Janowitz to American right-wing politics (it appears in *The Radical Right*, edited by Seymour Martin Lipset and Daniel Bell), or his analysis of the revivalist mentality, in his *Anti-Intellectualism in American Life*, a book that earned him a second Pulitzer Prize in 1964, or his first chapter in *The Paranoid Style in American Politics*, in which he uses the insights of psychopathology—one cannot read these works without applauding the wedding therein of social scientific theory and the historian's narrative approach.

Hofstadter confined himself to no one time or topic: his scope of expertness included most of his colleagues' chief terrains. If one specialized in the founding period of the Republic, one came upon a learned discussion of the Constitution in *The Progressive Historians;* if one specialized in the politics of the Federalist period, one encountered a stimulating reinterpretation of those events in *The Idea of a Party System*. To enter into a historiographical debate—on Jacksonianism or Populism, on the antitrust movement or McCarthyism, on the significance of Al Smith in the 1920s or of Barry Goldwater in the 1960s—is not necessarily to take issue with what he said, but almost necessarily to take up the issues he defined. Nor was his intelligence limited by the time-space of America. His long first chapter in *The Development of Academic Freedom in the United States* dealt with the medieval and reformation roots of that idea, and it was read with admiration by many connoisseurs in those fields. At the end, he was embarked on a massive full-length history of the United States, of which the one volume he completed ranges over the Old and New Western Worlds.

Intrepid thinker, wide-felt presence, joiner of nomothetic science to the artistries of history—that was Richard Hofstadter, scholar. Of Richard Hofstadter, teacher, let it be said that his whole being was an instruction; he taught everyone who knew

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him, not just those who came enrolled to his class. Of Richard Hofstadter, friend, let it simply be said that he was golden—and that the privilege of having known him as a friend offers cause for exultation even as we mourn our loss.

ROBERT STAUGHTON LYND

On November 10, 1930, Professor Robert M. MacIver wrote a memorandum recommending the appointment to the Sociology department of Robert Staughton Lynd. *Middletown* had just been published; it was, MacIver wrote,

> the most revealing and intensive study of the social life of a small American city and it has everywhere been recognized as a most skilful approach to the study of community life. It is perhaps the most noteworthy single volume in the field of American sociology which has appeared in the last decade. . . . It marks out Mr. Lynd as a man who if brought into the academic field would make further signal contributions to his subject. . . . With his fine ability to organize his material, his insight into forces at work in a social situation, and his clarity and directness of expression, he would make an admirable teacher.

For the next thirty years, until his retirement in June 1960, Robert Lynd was a member of the Sociology department, and seven generations of graduate students and his Columbia colleagues can testify to the correctness of MacIver's assessment.

Born in 1892 in New Albany, Indiana, a graduate of Princeton and of Union Theological Seminary, there was little in Lynd's career until his appointment at Columbia that might have indicated how extraordinary his influence as a teacher would be; and yet, in retrospect, it seems clear that his pre-Columbia career—nearly twenty years of work in publishing, research, and educational policy and administration—was a decisive element in what finally emerged as distinctive in his teaching and research.

Bob Lynd—did anyone ever call him Robert?—never succeeded in finding a public role into which he could fit without friction. Too much a man of action to be comfortable in the role of scholarly analyst, he was, at the same time, too committed to reason and to analysis to be an activist. Each had its attractions, each had its

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limitations, and Lynd suffered from the tension that the tug-of-war produced. It was, of course, his students and his readers who benefited from his anguish, for the tension between analysis and action—the cross he had to bear—was the source of what was most provocative, most appealing, and most generous in his writing and teaching.

Middletown and *Middletown in Transition*—written in collaboration with his wife, Helen Merrell Lynd—and *Knowledge for What?* give evidence of what was most characteristic of his work—cool analysis and passionate concern, aloofness and involvement at the same time. And the same interest in bringing rigorous thought to bear on the pressing problems of our day can be seen in the titles of a few of the doctoral dissertations he directed: "A Comparative Study of Political Youth Movements," "Mobilizing Public Opinion in the Soviet Union," "The Public Housing Movement and Social Change," "The Tradition of Opportunity and the Aspirations of Automobile Workers," "Home Ownership in Sentiment and in Fact," "Negro Organizations in Crisis: Depression, New Deal, World War II," "Agrarian Socialism: A Study of the Cooperative Commonwealth in Saskatchewan," "Europe's Coal and Steel Community: An Experiment in Economic Union," and, finally, a pair whose juxtaposition tells us much about him and about ourselves: "The Elite of an American Community: Philadelphia's Gentlemen" and "People in Trouble."

He opened our eyes to matters we might have overlooked; sometimes he did so with laughter and geniality, sometimes with scorn and anger. He was one of those to whom we paid attention.

ROBERT MORRISON MACIVER

Robert Morrison MacIver retired from the chair of Lieber Professor of Political Philosophy and Sociology at Columbia University in 1950. Seemingly immune to the passing years, he remained active in scholarly life for another two decades, writing in that period 8 of his 21 books, editing many others, directing comprehensive studies of academic freedom and urban

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problems, and, as though this were scarcely enough to occupy him, serving first as president and then as chancellor of The New School for Social Research. Full of years, accomplishments, and honors, he died in 1970, at the age of 88.

MacIver liked to say that he "professed various subjects" but never one in which he had had serious systematic instruction during his long time of study in the classics at Edinburgh and Oxford. As his autobiography makes plain, he was largely self-taught in political science and entirely so in sociology. And such was his command of these subjects that few found it strange to have him heading up the two departments devoted to them in the Faculty of Political Science soon after he arrived at Columbia in 1927.

MacIver cared little for administrative work, regarding it as an unpleasant necessity which was never allowed to interfere with his exacting round of life as a scholar. Afternoon was for him the excellent part of each day when he renewed himself by writing for several hours. Of the many books in sociology resulting from this daily stint, MacIver prized most his *Social Causation*, and of his many books in political science, after his first and classic work, *Community*, he liked best his masterly *Web of Government*. In making these judgments, he once again showed his customary good taste.

MacIver was a scholar active in the public life of his time. Throughout his career, and not least during the McCarthy years, he thought clearly and effectively about the social bases of civil liberty and worked hard for its preservation. As Alvin Johnson once said of him, his "is the purest voice of true liberalism in America."

It is good to recall that colleagues and students alike appreciated his great worth as scholar, teacher, and friend.

ALLAN NEVINS

The death of Allan Nevins on March 5, 1971, is a grievous loss to his colleagues, to the host of former graduate

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students of Columbia's History department, to the historical profession, and to the cause of letters in America. It hardly seems possible that one can no longer hear the tap-tap of his typewriter through the glass door of his office, sounds stirring speculation that another masterly chapter of one of his monumental creations was being completed, or perhaps an acceptable revision in crisp, effective prose of one of the many dissertations in which his role was as often editor and co-author as it was mere sponsor.

One can still recall Allan's hurried pace across the campus, weighted down with two armfulls of books and a portable typewriter to boot; one still has mixed feelings about his role as stalwart champion of graduate students at subject orals and dissertation examinations; one cannot count the innumerable acts of kindness and generosity toward his students. In the thirty-year period in which Allan Nevins taught at Columbia, he built up an enormous personal following and immeasurably enhanced the prestige of a department notable for its distinction in both scholarship and teaching.

Reared on an Illinois farm, Nevins as a youngster worked twelve to fourteen hours a day. After being graduated from the University of Illinois, he taught English there before coming to New York in 1913 to assume editorial positions successively with the *New York Evening Post*, *The Sun*, and *The World*. Appointed to Columbia in 1928, he remained on Morningside Heights until 1958, after which he served as a senior scholar at the Huntington Library in San Marino.

Allan Nevins became synonymous with prolific publication, and in sheer number of titles alone he far outdistanced all his peers, publishing some 50 or more books of his own, editing at least 75 others in several distinguished historical series, and contributing innumerable essays and book reviews for the Sunday *New York Times* and the *Saturday Review*.

It is perhaps noteworthy that two of Nevins's most original works were published fairly early in his career. His *American States During and After the Revolution* appeared in 1924 and still ranks as a seminal, encyclopedic, and even revisionist work covering the little known internal history of the Revolution and the brief Confederation era. Three years later he published *The Emergence of Modern America*. In that work he ends on the note

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of the new industrialism, perhaps forecasting the special interest in business and industrial history that was to mark some of his later writings. Along the way he picked up two Pulitzer Prizes, writing impressive biographies of Fremont, Cleveland, Hamilton Fish, and other statesmen.

Nevins's major work, the eight-volume *Ordeal of the Union*, of which the last two volumes are scheduled for publication this year, reexamines the history of the nation from 1850 to the end of the Civil War. The first two volumes, appearing in 1947, won him the $10,000 Scribner's Centenary Prize and the Bancroft Prize for History.

Through the concerted efforts of Nevins and Henry Steele Commager, Frederick Bancroft, the historian, was persuaded to leave two million dollars to Columbia for the advancement of historical studies. Perhaps most significantly, Nevins advanced historical studies by establishing the Oral History Project at Columbia, one of the most widely emulated of Columbia's innovations, providing a rich source of transcribed interviews for the entire period of the twentieth century.

A passionate advocate of the view of history as a branch of *belles lettres*, Nevins was concerned that history reach an audience far beyond the academic community, that it attain the kind of readership that was achieved by Bancroft, Prescott, and Parkman. The *American Heritage* magazine, of which he was a founder, is a testament to his optimism that the American public could once more find excitement and gain perceptions from the nation's past.

Devoted to Columbia, which he regarded as a chief ornament of the great city in which his talents flourished, Allan Nevins in 1965 donated, anonymously at the time, $500,000 to the History department for a chair in American economic history, which the university has made a name chair in honor of the donor. That he did this on a salary which never exceeded $11,500, and was in fact much less for most of his career, is testimony to his provident way of life and to his shrewd handling of royalties and editorial fees.

Writing of a former colleague, Allan Nevins once said, "The best writers of books are always larger than their creations." And so it was with Nevins. A creative force on the Columbia

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campus, his influence will be felt here as long as a climate of creative scholarship is tolerated and nurtured.

LINDSAY ROGERS

Lindsay Rogers was graduated from Baltimore City College in 1908 and received his B.A. degree from The Johns Hopkins University in 1912. Three years later he received his Ph.D. from Hopkins and his LL.B. degree from the University of Maryland. For five years he taught at the University of Virginia, and after a year as a visitor at Harvard he came to Columbia in 1921.

In addition to his early work as a journalist and his lifelong commitment to teaching and research in the field of politics, Lindsay Rogers was also a participant in government. He served as a Moreland Commissioner in New York State, as deputy administrator of the National Recovery Administration, assistant director of the International Labor Office, and as a consultant to the Senate Foreign Relations Committee. He was the author of innumerable articles and many books, including *The American Senate* (1926), *Crisis Government* (1934), and *The Pollsters* (1949).

Lindsay Rogers was in every way an extraordinary individual. His opinions, his attitudes, his manner, all were uniquely his own, and he defied classification or labeling. His students and those colleagues who were privileged to know him well were devoted to him, and he never lost his interest in them or in their activities. Hundreds of former students scattered over the world kept in touch with him, while he sent out a steady stream of notes to friends, often enclosing an article or a book review that he thought would be of interest to the recipient.

Rogers had strong views—sometimes they could be called prejudices—on a wide variety of subjects. What made discussion with him so profitable and so lively was the fact that he never resented it when his juniors or his students insisted that he was absolutely wrong and argued with him for their own views. Even

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in the final years of his teaching he retained this appetite for controversy and this willingness to be challenged.

Despite his outward manner, which struck some as gruff, Lindsay was a man of deep sentimental attachments. He cared enormously about his students and his colleagues, his department, the Faculty of Political Science, and this Columbia University. He was the department member most likely to pay a visit to a graduate student who was ill in a hospital, and on a number of occasions he provided the money needed to keep a student in graduate school, always on condition that the student never be told the source of the funds.

It was characteristic that during his last years he should have given most of his magnificent library to Columbia in order to provide a Common Room for graduate students in the department; the Lindsay Rogers Room will be an important part of the department's new home in the International Affairs Building. And it was even more characteristic of Lindsay Rogers that he should have bequeathed most of his estate to Columbia to establish a number of fellowships for graduate students in political science.

To the thought that as a result of these actions and our vivid memories of his energy and intellectual vitality he would long remain alive for us, his response would probably have been to roar with delight and to remark that ten years from now most people at Columbia would not be able to identify him and would guess that he had something to do with the Rogers and Clark Expedition. But, provided that his books were being read and that the students aided by his generosity were hard at work, he would not care very much that he was little remembered.

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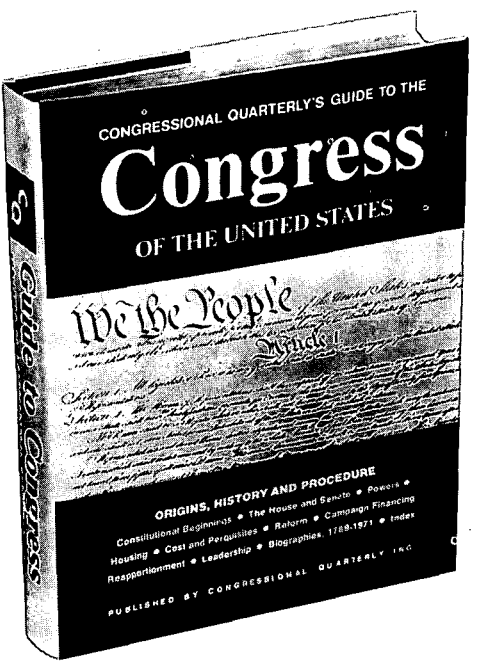
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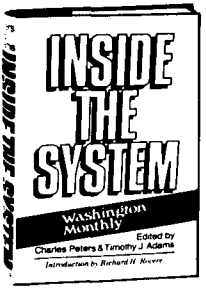

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